

CHAPTER 8: PATROL

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1.0 THE PATROL DIVISION

1.1 POLICY

It is the policy of the Buffalo Police Department to allocate a substantial complement of personnel to the Patrol Division. The Patrol Division shall be the primary unit of the Buffalo Police Department that is responsible for the initial delivery of police services to the public. Other Divisions and units within the Department shall supplement the Patrol Division and shall render assistance and expertise when appropriate.

1.2 CHAIN OF COMMAND

The Chain of Command in the Patrol Division shall be as indicated in the Organizational Chart of the Department.

1.3 DISTRICT CHIEFS

- A. District Chiefs be the Commanding Officer of their respective Patrol Districts.
- B. They shall have responsibility in their assigned Districts for the enforcement of the law, the efficiency and discipline of Department members under their command, and the compliance with the rules and orders of the Department.
- C. They shall exercise command authority and supervision over their assigned District.
- D. They shall be responsible for all Department equipment and property assigned to their command.
- E. They shall ensure that all reports are forwarded in a timely manner as directed by their superior officers.
- F. All others duties as assigned by the Commissioner of Police.

1.4 DUTY INSPECTORS

The Inspector of Administration & Communications or The Inspector of Internal Affairs will serve as the Duty Officer during their normal tour of duty from 0645hrs-1645hrs. The on-duty Inspector serving as Duty Officer will notify the 911 Lieutenant that he/she is on the air and available. From 0645hrs-1645hrs the Duty Officer will have the radio designation of DO-1.

In the absence of the Inspector of Administration & Communications and the Inspector of Internal Affairs – there will not be a Duty Officer.

The Inspectors will serve as Duty Officers during their normal tour of Duty.

If there is more than one (1) Inspector on duty, the Duty Officer position will be assumed by the senior on duty Inspector unless both on-duty Inspectors agree otherwise. In any event, the on-duty Inspector serving as Duty Officer will notify the 911 Lt. that he/she is

the duty officer and is on the air and available. The Duty Officer will have the radio designation of DO-5.

In the event there is no Inspector on duty, the most senior Patrol Captain on duty will assume the duties of the Duty Officer.

On those days and/or times when there will be no Inspector and no Patrol Captain on duty, it will remain the responsibility of the most senior on-duty Lieutenant assigned to the District in which an incident occurs to direct police activities at the scene of the incident until relieved by a superior officer.

Effective 1-15-07

1.5 DISTRICT CAPTAINS

POLICE CAPTAIN – DISTRICT (added effective 01-15-2007)

A. Duties

Duties are inclusive of, but not limited to, the following:

1. Ensures vehicles are properly maintained;
2. Monitors firearms qualifications and ensures all officers are qualified;
3. Accounts for all inventories at the District level. Including, but not limited to portable radios, MCT's, radar equipment, tint meters, armory, etc.;
4. Ensures all members of the command are properly and timely notified of impending court cases;
5. Tracks and ensures compliance with all in-service training programs. Coordinates training with Training Academy;
6. Ensures an adequate supply of departmental forms and supplies are available;
7. Ensures all confiscated property is properly delivered to the Property Office;
8. Maintains accurate, up-to-date business card files;
9. Attends Community and Block Club meetings at the direction of the District Chief;
10. Responsible for District Detectives activities including review of progress on criminal investigations and forwarding reports to appropriate Chiefs.

11. Review motor vehicle accident by Officers and submit a P-73 with recommendations.
12. Investigate citizen complaints.
13. Review “use of force” reports.
14. Review and make recommendations on all license applications.

1.6 DISTRICT LIEUTENANTS

Refer M.O.P. Chapter 8.

1.7 HANDLING SPECIAL EVENTS

A. District Responsibility

1. It is the responsibility of the District Chiefs to ascertain the scheduling of events that will require police service within their respective areas of command.
2. The Special Events Committee in City Hall shall be responsible for determining the level of Police involvement at any special event. The District Chief in which the event is scheduled to take place and/or the Commanding Officer of the Traffic Unit are the Police Commissioner’s representatives on the Committee.
3. The DPC coordinates planning for special events. Large events require that an Operations Order be prepared and forwarded to the DPC and to the Traffic/Special Events/MRU Inspector by the affected command. An After Action Report is required after the event so that any problems can be identified. The DPC retains files on operations, orders, events, permits, after action reports and schedules for events.

B. Police Coverage

1. District Chiefs shall handle events within their respective Districts whenever possible.
2. When requested by the District Chiefs, Traffic Bureau personnel may be used to augment the contingent of personnel from the District.
3. The District Chiefs are responsible for ensuring that sufficient police personnel are assigned to such events.
4. Parades and races are planned by the Traffic Bureau with the Districts augmenting the Traffic Bureau when necessary. The Traffic Bureau is also responsible for events at the Arena, the Baseball Stadium and Kleinhans Music Hall.

C. Details to Federal, State, County Property

Members of the Department shall not be detailed to duty in any Federal, State, or County premises, except the Erie County Medical Center, without first having obtained permission of the Commissioner, a Deputy Commissioner, the District Chief

or the Duty Inspector.

D. Places of Public Amusement

Members of the Department shall not be detailed to duty on any premises or in any building used for public amusement or entertainment, for which an admission is charged, except when the Commissioner of Police determines that such an assignment is necessary for the public welfare.

1.8 CARE OF POLICE BUILDINGS

A. Responsibility

The District Chiefs are responsible for the condition of all police facilities under his/her command, including the sidewalks and entranceways to the stationhouse. All police facilities shall be kept clean and in good repair, and requisitions for supplies, equipment, and repairs shall be timely made (refer M.O.P. Chapter 18).

B. Winter Care

District Chiefs or their on duty designees, shall, during the winter months:

1. Make arrangements with the Police Garage to clear snow from parking areas when necessary and shall facilitate this snow removal effort by arranging to have all vehicles moved from the area being plowed.
2. See to it that sidewalks and entranceways are kept free of snow and ice. This is a function that shall be performed by the Laborer assigned to the District.

C. District Supervisor Responsibilities

District Supervisors shall observe the condition of the sidewalk and entranceways. Where snow and ice conditions exist, they shall take appropriate action if needed. The District Supervisor actions may include contacting the Police Garage or contacting the District Chief.

2.0 DISTRICT LIEUTENANTS

2.1 POLICY

It is the policy of the Buffalo Police Department to provide high quality police patrol service in each of the Districts throughout the city. To do so, Patrol Lieutenants shall keep subordinates informed of their duties and other pertinent Departmental information, create an atmosphere conducive to productive law enforcement, and conscientiously supervise subordinates, insisting on strict compliance with the Rules and Regulations of the Department.

2.2 DISTRICT LIEUTENANT'S COMMAND RESPONSIBILITIES

- A. In the absence of a higher ranking officer, the senior Lieutenant on duty within a District shall be in command of that District.

- B. The most senior on duty Lieutenant assigned to a particular work shift within a District, shall be in command of the personnel of that work shift during his/her tour of duty.
- C. When shifts overlap and only one Lieutenant is on duty that Lieutenant shall be in command of the personnel of both work shifts.
- D. If multiple Lieutenants are on duty during the overlap period but all of the on duty Lieutenants are regularly assigned to one work shift and none are regularly assigned to the other work shift, the second most senior on duty Lieutenant shall be in command of the personnel of the other shift during the overlap period.

2.3 DISTRICT PATROL LIEUTENANT'S DUTIES

- A. At the beginning of a tour of duty the Patrol Lieutenant in command of a work shift shall inspect the members of his/her work shift to ensure that all members have the necessary equipment and that they comply with the uniform and appearance requirements of the M.O.P. Chapter 12. Lieutenants are responsible for maintaining compliance with the uniform and appearance requirements throughout the tour of duty. Patrol Lieutenants shall make sure all members are present for duty, and shall brief them on any important orders, issues, or matters as deemed appropriate by the District Chief, Commissioner, or other sources. All Patrol Lieutenants are directly responsible for their subordinates' compliance with the Rules and Regulations of the Department.
- B. Patrol Lieutenants in command of a work shift are required to submit comments and recommendations for all IAD cases, police involved motor vehicle accidents, and IOD claims, that occur during their tour of duty.
- C. In compliance with current directives, the Patrol Lieutenant in command of a work shift shall accept complaints from citizens concerning police personnel.
- D. Patrol Lieutenants in command of a work shift shall continuously monitor the police radio and respond to, and assume command of, all serious incidents, including car and foot pursuits.
- E. The Patrol Lieutenant in command of a work shift shall make certain that personnel and vehicles are logged on and off the CAD/CHARMS System.
- F. Patrol Lieutenants in command of a work shift shall review projected work schedules and ensure that sufficient personnel is available for duty. Leave Requests (Form P-12) that would create a personnel shortage shall not be initialed by the Lieutenant but shall be forwarded to the Commanding Officer for review. The Patrol Lieutenant shall apprise the Commanding Officer when there is not sufficient personnel to grant leave requests.

- G. The Patrol Lieutenant in command of a work shift shall make whatever arrangements are necessary to ensure that the on coming work shift has sufficient personnel.
- H. The Patrol Lieutenant in command of a work shift shall verify the accuracy of the Daily Shift Report (Form P-3A) and verify its accurate entry into the CAD/CHARMS System. The P-3A is the basis for making payroll entries.
- I. The Patrol Lieutenant in command of a work shift shall inspect the District building, vehicles, portable radios, safety equipment, shotguns and other assigned equipment and report any deficiencies.
- J. The Patrol Lieutenant in command of a work shift shall inspect the Court Book for compliance with current directives and make certain that court notifications are properly made.
- K. The Patrol Lieutenant in command of a work shift shall track in-service training programs and firearms qualification schedules and they shall arrange for attendance of members of his/her work shift.
- L. The Patrol Lieutenant in command of a work shift shall monitor the CAD/CHARMS System to verify that entries are made accurately and that mobile units are following proper procedures.
- M. The Patrol Lieutenant in command of a work shift shall review and sign all reports and make certain that E-Mail messages are complete and accurate, and transmitted in a timely fashion.
- N. The Patrol Lieutenant in command of a work shift shall take steps necessary to provide an adequate stock of Departmental forms and supplies.
- O. Patrol Lieutenants shall assume any other duties assigned by his/her Commanding Officers or by Departmental directive.
- P. Patrol Lieutenants shall submit recommendations for commendations and Department awards when warranted.
- Q. The Patrol Lieutenant in command of a work shift shall ensure that members of the shift using Departmental vehicles, inspect the vehicle before and after each shift and report any damage, mechanical malfunctions or missing equipment. (S)he shall also ensure that those vehicles not in use during the tour of duty are inspected.

2.4 RELIEVING PRIOR PLATOON

Patrol Lieutenants in command of a work shift shall not relieve the shift going off duty until the on coming shift is ready for duty. "Ready for duty", means that there are a sufficient number of members of the oncoming shift actually present; that they are in proper uniform, and if necessary they can immediately respond to calls for service.

2.5 LIEUTENANT'S RESPONSIBILITY FOR UNMARKED CARS

On duty Patrol Lieutenants shall not use any unmarked Departmental vehicle without prior approval of the Commanding Officer, the District Chief or the Deputy Police Commissioner.

2.6 EXPIRATION OF TOUR OF DUTY

The Patrol Lieutenant in command of a work shift shall, at the end of the tour of duty:

- A. make certain that all personnel are present or otherwise accounted for;
- B. review all radio logs, checking for accuracy and completeness, and also checking the level of productivity of members assigned to mobile units;
- C. keep the Commanding Officer informed of any unusual or major incidents through written reports;
- D. make certain that all calls for service dispatched to members of his/her work shift, especially those dispatched near the end of the tour of duty, receive proper attention;
- E. not dismiss the work shift from duty until the on coming Lieutenant has properly relieved him/her.
- F. Patrol Lieutenants shall complete the Lieutenant's daily activity report as required by current directives.

2.7 COORDINATION AND CONTROL

- A. Absent a higher ranking officer on duty within the District, the most senior on duty Lieutenant within the District is in command. (S)he shall be responsible for coordinating and controlling all on duty members, including less senior Lieutenants.
- B. Those duties specified in M.O.P. Chapter 8 above, may be delegated to a less senior on duty Lieutenant. This delegation of authority may be made either by the most senior on duty Lieutenant, an on duty higher ranking officer, or the District Commanding Officer. Delegation of authority by the most senior on duty Lieutenant does not relieve him/her of the responsibility for their ultimate performance.
- C. All Patrol Lieutenants shall work cooperatively with each other and strive to promote cooperation between the different work shifts. During the overlap period there shall be an equitable allocation of Departmental vehicles, equipment, and resources amongst the two shifts.
- D. District Chiefs shall adopt policies and take necessary measures to enhance cooperation within his/her command.

2.8 REPORTS AND ELECTRONIC MAIL MESSAGES

Before approving any report by signing his/her name thereon, the Patrol Lieutenant must thoroughly review the report, checking for completeness and accuracy.

A. Generally

Minimally, in all reports, including the p-1375, the Lieutenant must check:

1. to whom the report is being forwarded to;
2. the inclusion of an event number;
3. the name, address and phone number of the person who is the subject of the report;
4. the date, time and location of the event that took place;
5. the names of the investigating Officers;
6. that a clear, concise description of the event is included.

B. Electronic Mail Messages

When Electronic mail messages are required, the Lieutenant should check for accuracy and completeness and make sure that they are transmitted in a timely manner:

1. The name of juvenile sex crime victims shall not be included in the message nor should there be any lurid detail or profane language.
2. Messages of members reporting sick shall be sent as soon as possible and should not include the member's telephone number or address.
3. There shall be separate messages for each member reporting injured on duty (IOD).

3.0 DUTIES OF PATROL OFFICERS - GENERALLY

3.1 POLICY

It is the policy of the Buffalo Police Department that members assigned to patrol duty are responsible for the initial delivery of police services to the public. In those instances in which specialized police units have been created, those specialized units shall use their particular expertise to supplement the patrol officer.

3.2 PERFORMANCE AND ATTENTION TO DUTY

Refer to Chapter II of the Rules and Regulations of the Buffalo Police Department.

3.3 WORK SCHEDULE

- A. The regular hours of daily work shall be consecutive except for interruptions for lunch.
- B. Sworn members of the Department working in a District shall be assigned to one of the following shifts:

0001hrs – 1000hrs
0600hrs – 1600hrs
1000hrs – 2000hrs
1530hrs – 0130hrs
2000hrs – 0600hrs

- C. The first fifteen minutes of each shift shall be designated as a briefing period. All members must be present daily for briefing unless otherwise excused by their Commanding Officer.
- D. Officers shall be allowed a one half hour lunch period during their ten (10) hour tour of duty. The lunch period shall be taken as permitted by their Superior Officer but not during the last one and one-half hours of the tour of duty.
- E. At the expiration of each tour of duty, members shall be present and accounted for. If circumstances arise which prevents their return to their respective stationhouse or office, the member shall contact his/her Supervisor and explain the circumstances.

3.4 UNIFORM AND EQUIPMENT TO BE WORN WHILE ON DUTY

- A. The uniform shall be in accordance with all existing directives and regulations. The Supervisor in charge of the shift in each District shall determine, based on the weather, the type of authorized uniform (i.e. warm weather uniform or cold weather uniform) to be worn.
- B. Members of the same car crew must be attired alike.
- C. Members in uniform shall carry the following equipment:
 - 1. Badge
 - 2. Wreath
 - 3. Regulation service firearm
 - 4. Ball-point pen
 - 5. Handcuffs
 - 6. A working flashlight
 - 7. ASP if authorized
 - 8. Regulation police hat
 - 9. CAP Spray if authorized
- D. Officers shall keep Department issued body armor readily available. It may be worn at the member's discretion except that during hazardous circumstances the Officer may be ordered to wear body armor by a Superior Officer.

3.5 INVESTIGATING COMPLAINTS

When a member sees, or receives information from any source that a crime has been attempted or committed, or that any other police incident has occurred, they shall

immediately respond, and give such assistance or take such police action as the situation may require. All proper reports shall be completed. The member shall act courteously, but firmly and efficiently.

3.6 CRIME SCENES

The first member of the Department to arrive at a crime scene shall:

- A. attend to the injured;
- B. apprehend the suspect if at the scene;
- C. establish and protect the crime scene (refer M.O.P. Chapter 5);
- D. identify, locate and isolate witnesses for later interviews and statements;
- E. protect evidence (refer M.O.P. Chapter 5);
- F. prepare all necessary reports.

3.7 RESPONSIBILITY FOR INITIAL INVESTIGATION

The first member of the Department who has been directed to a crime scene shall be responsible for undertaking the initial investigation. Refer to M.O.P. Chapter 8.

3.8 FIELD INTERVIEWS

Members of the Department shall conduct field interviews when permitted to do so by law and they shall report the results of the interview on a Field Interview Report (Form P-1371). The Field Interview Report will be forwarded to the Crime Analysis Unit through the District Detectives. Access to the Field Interview Report File may be gained through the Records Management System (RMS). Police Officers may conduct field interviews in the following circumstances.

A. Objective Credible Reason

The Officer may conduct a field interview based on an objective credible reason, that reason need not necessarily be indicative of criminal conduct (e.g. request for identification, request for an explanation of the person's presence in a particular area, etc.). Under this circumstance, the person cannot be asked incriminating questions nor questions that would lead a reasonable person to believe that (s)he is suspected of criminal activity. The person cannot be detained and is free to walk away from the Officer at any time.

B. Founded Suspicion that Criminal Activity is Afoot

The Officer may conduct a field interview based on a founded suspicion that criminal activity is afoot. The Officer may ask leading questions, the nature of which could lead a reasonable person to believe the (s)he was suspected of criminal activity. Under this circumstance, an Officer is not permitted to detain the person during the interview.

C. Reasonable Suspicion

The Officer may conduct a field interview based on his/her reasonable suspicion that the person has committed, is committing, or is about to commit an offense. "Reasonable suspicion" means that amount of knowledge sufficient to induce an

ordinarily prudent and cautious person under the circumstances to believe that criminal activity is at hand. Under this circumstance, the person may be detained for a length of time sufficient for the Officer to obtain answers to questions relating to the conduct which gave rise to the stop. In addition, if during the stop, the Officer perceives a risk to his/her safety, the Officer may conduct a pat search of that person.

1. Vehicle stops must be based on reasonable suspicion that the operator or an occupant of the vehicle is, has been, or will be engaged in a violation of the law.

3.9 ENTERING BUILDINGS

- A. A building that is found unsecured or burglarized shall not be entered by a lone Officer, except in an emergency situation.
- B. The Officer shall request assistance in searching the building, keeping the premise under close surveillance until additional Officers arrive.
- C. The owner of the premises shall be notified to secure the building. If the owner or other responsible person cannot be located, the District Supervisor shall take such steps as are necessary to secure the building.

3.10 DISCOVERABLE/PREVENTABLE BURGLARIES

If a non-residence burglary occurs which, in the opinion of the District Supervisor, could have been discovered or prevented by the Officers assigned to the area, (s)he shall prepare a report on an Intra-Departmental Memorandum (P-73), outlining the facts and recommending disciplinary action for neglect of duty. The District Chief shall review the report, investigate the facts, and either recommend or not recommend the initiation of disciplinary charges. The report shall then be forwarded through channels to the Internal Affairs Division.

3.11 SCHOOLS AND PLAYGROUNDS

- A. Officers shall inspect, as frequently as possible, school buildings and facilities in their patrol area, during the hours that the schools are not in session.
- B. Officers shall visit parks and playgrounds in their patrol area and cooperate with Parks Department personnel in maintaining order, and in preventing damage to property.

3.12 TAVERNS, PLACES OF AMUSEMENT

While on duty, Officers shall not enter any premise where alcoholic beverages are served, or a theater, or other place of amusement, except in the discharge of their duty, or upon direction of a Superior Officer.

3.13 ROAD HAZARDS

Officers shall check roadways and sidewalks in their patrol area for defects and for other conditions that may create a hazard for motorists and pedestrians and report them to the proper agency for correction. Such defects and hazardous conditions shall include but not be limited to:

- A. debris in the roadway;
- B. malfunctioning or missing traffic control devices
- C. street lamps out
- D. pot holes or other large obstructions in the road
- E. foliage obstructing traffic signs;
- F. illegally parked or abandoned vehicles creating a hazard;
- G. cracked sidewalks

A call will be made to 311 (the Mayor's "Call and Resolution Center") reporting these hazards. The District log book will be notated that 311 was notified if a Citizen reports the hazard to the District.

3.14 STRANDED MOTORISTS

Members of the Department shall assist motorists that are stranded or whose vehicles are disabled.

- A. Members shall summon an ambulance in the event that medical services are required, or the Fire Department if there is a threat of fire.
- B. When the motorist's safety is jeopardized because (s)he is in a dangerous location (e.g. high speed restricted access highway, etc.) the member shall either transport the motorist to a safe place, or remain with the motorist until the problem is resolved.
- C. Members shall aid motorists in obtaining the towing or mechanical repair services of the motorist's choice, and may transport the motorist to the stationhouse to make such arrangements.

3.15 ESCORTS

A. Emergency Escorts

Members of the Department shall not routinely escort civilian vehicles under emergency circumstances. It is an extremely dangerous practice and should be avoided whenever possible. In cases of medical emergencies it is generally better to have the patient transported by ambulance. Emergency escorts of civilian vehicles

shall be provided only in those instances in which the danger associated with providing the escort is clearly and substantially outweighed by the fatal consequences of not providing such an escort. When escorting civilian vehicles under these circumstances, the member shall:

1. notify the radio dispatcher and inform him/her of the destination;
2. activate the siren and flashing lights;
3. travel at a speed that is prudent under the circumstances and which does not endanger the vehicle being escorted, or other motorists on the road;
4. stop at all stop signs and red lights, making sure that the intersection is clear for both the police vehicle and the civilian vehicle to pass through.

B. Non-Emergency Escorts

All requests for escorts of a non-emergency nature shall be forwarded to the Commanding Officer of the Traffic Bureau. If the request is approved, the Commanding Officer of the Traffic Bureau shall assign members of his/her command to handle the escort. Escorts of this kind include, but are not limited to the following:

1. funerals
2. dignitaries and public officials
3. oversize vehicles
4. vehicles with hazardous or unusual cargo.

4.0 PRELIMINARY INVESTIGATION

4.1 POLICY

It is the policy of the Buffalo Police Department that the preliminary investigation of crimes and occurrences is the responsibility of the Patrol Division, and that Patrol Officers shall take all necessary steps to dispose of cases where appropriate.

4.2 SCOPE OF PRELIMINARY INVESTIGATION

Describing the limits of a preliminary investigation in concrete terms is difficult, but it will generally include the following steps:

- A. Obtaining aid for the injured;
- B. Determining if a crime has been committed, and if so, what crime;
- C. Apprehending the suspect if (s)he is at the scene, or pursuing the suspect if there is any indication that immediate pursuit might result in apprehension;
- D. Informing the dispatcher of descriptions, direction of flight, and any other information that would assist in apprehending the suspect;
- E. Searching for suspects and witnesses, and obtaining complete and accurate information relating to the identity, address, and other pertinent information,

concerning the suspect, victim and witnesses;

- F. Determining what information about the crime that the victim and each witness possess;
- G. Determining in detail how the crime was committed, what evidence is available, and the extent of injury and loss;
- H. Recording all information clearly and accurately on the appropriate report forms, including P-1375.
- I. Causing E-Mail messages to be sent regarding suspects and wanted persons, when it is justified by the circumstances.

4.3 VICTIM/WITNESS ASSISTANCE

As part of the preliminary investigation, the investigating officer must pay particular attention to the needs of the victims and witnesses and shall:

- A. Provide victims and witnesses with information concerning community and social services that are available to them (e.g. medical attention, Crime Victims Compensation, etc.);
- B. Advise victims or witnesses to immediately contact the Department if they are threatened or otherwise intimidated by the suspect, the suspect's family, or the suspect's associates;
- C. Provide victims or witnesses with the event number and inform them of the necessary steps to prosecute the case;
- D. Provides victims or witnesses with a telephone number so that they can contact the officer who will be conducting the follow-up investigation.
- E. The Department will have available written information supplied by the Officer or Victim Services explaining this availability of crime victim compensation and victim services as per Article 22 of the New York State Executive Law.

4.4 RESPONSIBILITY OF SUPERIOR OFFICERS

- A. The final responsibility for the preliminary investigation rests with the District Supervisor on duty at the time.
- B. Supervisors shall ensure that investigating officers conduct the preliminary investigation in an amount of time appropriate to the type of incident. Serious offenses will require a more comprehensive investigation while minor offenses need less time to investigate. In any event, the preliminary investigation should be thorough and complete.

C. Supervisors shall:

1. Ensure that the proper investigatory units are summoned to the crime scene in cases in which the preliminary investigation reveals the need for immediate follow-up investigation (e.g. homicides, fatal accidents, sex offenses, etc.), and notify the Duty Inspector or the 911 Lieutenant when specialized units need authorization prior to responding;
2. Inform on-coming Supervisors of preliminary investigations that need to be continued over into the next shift.
3. Inform the Duty Inspector or the 911 Lieutenant of all crime scenes involving deaths, rapes, holdups and kidnappings; or of any natural or man made disasters; or, whenever an employee of the Department is seriously injured in the performance of duty.
4. Review reports as soon as possible to:
 - a. determine that all proper investigatory steps have been taken, and
 - b. assures that the report reflects the correct crime classification that it is legible, and that sufficient information has been included.

D. Superior Officers who feel that the solvability factors that are listed by the investigating Officer lack the quality and quantity of investigative leads that would result in a possible solution of the offense, and the offense is one that shall still be investigated by the District Detectives.

E. In those instances in which the Superior Officer finds that no valid solvability factors are listed on the report by the investigating officer and (s)he feels that the case should be investigated further, the Superior Officer shall refer the case to the District Detectives for further investigation.

F. District Commanding Officers shall daily examine all messages and reports of investigations within their respective commands, carefully inspecting them for compliance with existing procedures. Reports failing to meet the requirements shall be returned to the concerned Officer with recommendations for further action.

4.5 REQUESTING THE PRESENCE OF DISTRICT DETECTIVES

If a District Detective is on duty, (s)he may be summoned to a crime scene by either the Patrol Officer or by any Superior Officer. If the preliminary investigation can be completed by the Patrol Officer, and there is no need for immediate follow-up investigation, Detectives need not be summoned to the crime scene.

5.0 TYPES OF PATROL

5.1 POLICY

It is the policy of the Buffalo Police Department to use patrol as the primary method of delivering police services to the people in the City of Buffalo.

5.2 PURPOSE OF PATROL

The primary purpose of patrol is to:

- A. prevent and detect crime;
- B. preserve the peace;
- C. protect life and property;
- D. enforce laws and ordinances;
- E. apprehend violators of the law;
- F. render assistance to the public

5.3 MOTORIZED PATROL

Refer M.O.P. Chapter 8.

5.4 FOOT PATROL

A. Designing Foot Patrol Posts

The Chief in charge of each of the Patrol Districts shall be responsible for coordinating the design of foot patrol posts within his/her respective command.

B. Route to Foot Patrol Post

1. Officers that are assigned to a foot patrol post shall proceed directly to their post without delay unless an extenuating police related matter prevents them from doing so.
2. Officers shall not use a private vehicle to get to, or to leave from their post, or while on foot post duty, unless they have the explicit permission of a Superior Officer, or there is an emergency situation.

C. Duties While on a Foot Patrol Post

1. Officers shall constantly and alertly inspect all parts of their posts, paying particular attention to those areas most vulnerable to the commission of crime. They shall afford special attention to places which are frequented by gamblers, prostitutes, or criminals and they shall attempt to prevent illegal activity.
2. Officers shall devote their full attention to their duties and they shall comply with all applicable Rules and Regulations of the Department.
3. Officers shall acquaint themselves with the habits, occupations, and comings and goings of the residents, business people and other habitués of their posts. During hours that businesses are closed, they shall check the security of accessible doors, windows, transoms and gratings, as often as possible.
4. Officers shall report all defective street lights, traffic lights, fire hydrants, water lines, streets, sidewalks, or any other condition that may prove hazardous and they shall take appropriate action to protect the public.

5. Officers shall carefully monitor all places suspected of fostering illegal vice activity or other suspicious behavior, and they shall report their observations to their Superior Officer and the appropriate investigative unit.
6. Officers shall assist police vehicles, fire apparatus, and ambulances, when those vehicles are being operated in emergency circumstances.
7. Officers becoming aware of any incident or circumstance needing police intervention on his/her post shall immediately respond to the scene and render assistance and take appropriate police action.
8. If due to a police related necessity, an Officer is required to leave his/her assigned foot patrol post, the Officer shall first notify his/her Superior Officer, the Radio Dispatcher or his/her stationhouse. If the exigency of the circumstances makes such notification impractical, the Officer shall make the required notification immediately upon his/her return.

D. Equipment

Refer to M.O.P. Chapter 8.

E. Lunch Periods

Officers on a foot patrol post shall be allowed a one half hour lunch period during their ten (10) hour tour of duty. The lunch period shall be taken as directed by the Officer's Supervisor.

F. Officer's Bearing

While on a foot patrol post, Officers shall maintain an erect posture, avoiding a slouching or slovenly appearance. They shall not lean against poles, trees, or buildings nor shall they carry any type of merchandise not directly connected to normal police activity.

5.5 K-9 PATROL

Both the Officer and the dog assigned to K-9 patrol must be properly trained and certified. In addition to other duties which may be assigned, K-9 patrol will be as follows:

A. Motorized Patrol

An Officer and his/her K-9 dog may be assigned to motorized patrol by his/her Supervisor. They shall be assigned to a specific geographic area and shall augment the District patrol Officers in that area. In such cases the district supervisor shall be notified of the K-9 Officer's presence in the supervisor's district.

B. Foot Patrol Posts

An Officer and his/her K-9 dog may be assigned to a foot patrol post and will comply with M.O.P. Chapter 8. In such cases the district supervisor shall be notified of the K-9 Officer's presence in the supervisor's district.

C. Bomb Detection

An Officer and his/her K-9 dog, who have been trained and certified in bomb detection shall respond to such incidents when directed (refer M.O.P. Chapter 11).

D. Illicit Drug Detection

An Officer and his/her K-9 dog, who have been trained and certified in detecting illicit drugs, shall conduct such searches when directed by a Superior Officer.

E. Riots, Civil Unrest, Large Unruly Crowds, etc.

During riots and civil unrest, or when confronted by large unruly crowds or gatherings, the Superior Officer on the scene may request that the Duty Inspector or the 911 Communications Lieutenant order K-9 dogs and their handlers to assist in controlling the situation and dispersing the crowd.

F. Building Searches and Tracking Suspects

An Officer and his/her K-9 dog may be called to locate a suspect when it is believed that the suspect is trapped in a building or (s)he may be called when there is a possibility that the suspect may be tracked by the K-9 dog.

G. K-9 Demonstrations

Public demonstrations of the capabilities of K-9 dogs may be scheduled to showcase the K-9 dog and his/her handler.

5.6 BICYCLE PATROL

Bicycle patrol may be implemented in those areas that are less accessible to car patrol and which require greater mobility than can be provided by foot patrol (e.g. the pedestrian mall, parking lots, parks, bicycle paths, etc.). Bicycle patrol may also be used to provide increased visibility at large gatherings or special events.

A. Officers on bicycle patrol shall be conspicuously attired in a readily distinguishable police uniform and shall be equipped with a portable police radio.

B. Officers assigned to bicycle patrol shall be responsible for complying with M.O.P. Chapter 8.

5.7 MOTORCYCLE PATROL

Only Officers that have the appropriate NYS license, and the appropriate training, shall be assigned to motorcycle patrol. Motorcycle patrol may be used as follows when weather conditions permit:

A. Escorting parades, funerals, foot races, etc.;

B. Traffic enforcement, including directing traffic, issuing traffic summonses and issuing parking summonses;

C. Ceremonial events.

5.8 GEM/GOLF CART/SEGWAY PATROL

Only those members of the Department who have the necessary NYS license, and who have been afforded the proper training, shall be assigned to GEM/GOLF

CART/SEGWAY patrol. GEM/GOLF CART/SEGWAY patrol shall be used to patrol parks, playgrounds, bicycle paths and other areas less accessible to car patrol.

5.9 HELICOPTER PATROL

A member of the Department may be designated to accompany the Erie County Sheriff Department's helicopter patrol. The member so designated shall assist the Deputy Sheriff in rendering police assistance in remote areas of the City and in maintaining surveillance of suspects fleeing from crime scenes.

6.0 MOTORIZED PATROL

6.1 POLICY

It is the policy of the Buffalo Police Department to use motorized car patrol as the primary method of patrolling the City of Buffalo. The majority of these vehicles used routinely for general patrol services will be conspicuously marked.

6.2 ESTABLISHING MOBILE PATROL SECTORS

It shall be the responsibility of the District Chief to establish, with the approval of the Commissioner, mobile patrol unit sectors within his/her command.

6.3 DRIVER'S LICENSE REQUIRED

All persons driving mobile units must possess a valid New York State driver's license which qualifies him/her to operate a vehicle of that type in New York State.

6.4 RESPONSIBILITY OF OPERATOR (when applicable)

The operator on duty in each mobile patrol unit shall be in charge of the unit and shall be responsible for the activity of the unit during that tour of duty. In addition, the operator is responsible for the care of the vehicle and shall ensure that:

- A. At the beginning of the tour the vehicle is inspected for defects and cleanliness, and that all required equipment is accounted for;
- B. The absence of any equipment, or any defect in the vehicle, noted during the inspection at the beginning of the shift is promptly reported to the Supervisor;
- C. The radio dispatcher is notified whenever it is necessary to take the unit out of service;
- D. His/her Supervisor is notified when the mobile unit needs servicing and that this information is recorded on the Radio Log (Form P-1194).
- E. All required reports, forms, summonses, etc., are submitted prior to the expiration of the tour of duty.

6.5 EQUIPMENT IN MOBILE PATROL UNITS

- A. The following equipment shall be carried in a mobile patrol unit:
 - 1. Crime scene tape
 - 2. Sharpes container and Sharpes safety tongs
 - 3. Flares

- B. In addition to emergency lights and siren the following are installed on many marked police vehicles:
 - 1. Public Address System - it may be used for car stops, for giving warnings and directions during an evacuation, or when attempting to communicate with a group of people;
 - 2. Alley Lights and Spotlights - they may be used while checking buildings or, when necessary, as an additional source of lighting at an incident, except that they should be used sparingly on high volume roadways because the intensity of the light might temporarily impair the vision of other drivers.

6.6 MOBILE PATROL DUTY

A. Radio Contact

Members assigned to a mobile patrol unit shall at all times remain in radio contact during their tour of duty.

B. Manner of Patrol

Mobile patrol units shall not be driven about aimlessly, but shall be used for transportation from the scene of one police duty to another. During those times when they are not occupied with handling calls for service, members shall:

- 3. frequent those locations where crime is known to occur;
- 4. check the security of commercial establishments;
- 5. check suspicious persons and vehicles;
- 6. monitor their area of assignment for violations of law or for conditions that endanger the safety and welfare of the public;
- 7. perform any other duties assigned by a Superior Officer or the Radio Dispatcher.
- 8. engage in community policing activities such as visiting schools, satellite stations, businesses, and block clubs.

C. Leaving the Area of Assignment

Mobile patrol units shall not leave their assigned area of patrol unless directed to do so by a Superior Officer or the Radio Dispatcher. They may also leave their assigned area of patrol in emergency situations or to perform a police function but only after having first notified the Radio Dispatcher.

D. Incidents in Adjoining Districts

Mobile patrol units dispatched to, or coming upon an incident requiring police attention which is on or near a boundary line of an adjacent district, shall handle the call and forward any reports to the proper district. Mobile patrol units shall not instruct members of the public to wait for the appearance of a mobile patrol unit from the appropriate district to handle the call but shall immediately take all appropriate police action.

E. Unattended Patrol Vehicles

1. When a vehicle is left unattended the ignition shall be turned off. The keys shall be removed and carried by the operator. When the vehicle is to be left for an extended length of time, or the vehicle is located in an area where vandalism is likely to occur, the windows shall be closed and the doors locked.
2. At the expiration of the tour of duty, the keys shall be turned in at the member's command.

F. Leaving the City

Mobile patrol units shall not be driven beyond the limits of the City of Buffalo except:

1. if involved in a continuous close pursuit; or,
2. under extreme emergencies; or,
3. at the direction of the Radio Dispatcher; or,
4. with the permission of the Duty Officer and in the furtherance of a valid police purpose.

In any circumstance in which a mobile patrol unit is permitted to travel beyond the city limits, the Radio Dispatcher must first be notified.

G. Reports

Members of mobile patrol units shall complete all other reports that are necessary for the proper reporting of incidents and conditions encountered during the tour of duty.

6.7 USE OF SEAT BELTS IN DEPARTMENT VEHICLES

Due to the significant number of injuries and fatalities experienced by Police Officers as a result of motor vehicle collisions, all members of the Department are encouraged to use seat belts while in Department vehicles. Refer M.O.P. Chapter 3.

6.8 TRANSPORTING CIVILIANS IN POLICE VEHICLES

A. General Guidelines

While on duty, members of the Department shall not routinely transport civilians in police vehicles. In the following circumstances a Department vehicle may be used to transport a civilian:

1. The civilian's safety or well-being is in jeopardy and there is no reasonable alternative (e.g. stranded motorist on an expressway or in a high crime area).

2. It is necessary to carry out a police related function (e.g. transporting witnesses, complainants, prisoners).
3. A Superior Officer authorizes the transport of a civilian in a specific case.
4. The civilian is participating in a ride-along program and prior approval has been obtained from the Commanding Officer in charge of the Police Academy.

B. Sick and Injured Persons

Procedures for transporting sick and/or injured persons are outlined in M.O.P. Chapter 3.

C. Safety Belts Required

Civilians shall wear safety belts while being transported in Departmental vehicles.

D. Procedures For Transporting Civilians While on Duty

1. On duty members will notify the Radio Dispatcher any time they are transporting civilians. They shall advise him/her of the reason and their destination.
2. Members shall proceed without delay to the destination by the most direct route and notify the Radio Dispatcher upon their arrival.
3. Members shall not engage in any emergency or pursuit driving nor respond to any calls or police service, except under circumstances where it is necessary for the preservation of life.

E. Transporting Persons of the Opposite Gender

When transporting a person who is not the same gender as any other person in the police vehicle, the member shall inform the Radio Dispatcher of their location, their destination, and the odometer reading. Upon arrival at the destination, the member shall inform the Dispatcher of the mileage and request a time check.

6.9 RIDE-ALONG PROGRAM

- A. The Commanding Officer assigned to the Police Academy shall be responsible for approving requests from the public to accompany Department members while on patrol (i.e. ride-alongs). Approval shall be denied if it comes to the attention of the Captain assigned to the Academy that the person making the request is not of good moral character or has a prior criminal record that would make approving the request inappropriate.
- B. A Release of Liability Form must be completed and signed by any person before (s)he is allowed to accompany Department members on patrol. Forms may be obtained from the Police Academy.
- C. Riders shall be assigned to marked police vehicles.
- D. Riders must be clearly instructed that they:

1. may not carry or use any weapon (except that law enforcement officers authorized to be in possession of a weapon may be permitted to carry his/her weapon as permitted by law);
2. will not expose themselves to any unnecessary risks and will remain in the police vehicle at in-progress calls or when instructed by the Police Officer to do so;
3. will maintain confidentiality of police information;
4. will take no action unless specifically directed to do so by a Police Officer;
5. will be given a bullet-proof vest to wear while on ride-along.

6.10 LUNCH PERIODS

Members of a mobile patrol unit may suspend their patrol duty for lunch within or near their assigned area, for a period not to exceed thirty (30) minutes. Members must first obtain the permission of the Radio Dispatcher and the lunch period may not be taken during the last one and one half (1 1/2) hours of the tour of duty. During lunch periods, units must remain in radio contact. In the event that there is a priority 1 or priority 2 call pending and there are no other cars available in the district to cover the call, a unit that is on lunch may be required to interrupt their lunch and respond to the call when directed by the Radio Dispatcher. In such event, the unit will be allowed to take their lunch later on in their tour of duty.

6.11 VEHICLE MAINTENANCE

A. Preventative Maintenance

1. Commanding Officers of all Departmental units to which vehicles are assigned shall be responsible for ensuring that vehicles are sent to the Police Garage for preventative maintenance in a timely fashion.
2. Members assigned to mobile units shall be responsible for notifying their immediate superior when vehicles are in need of preventative maintenance.
3. Patrol Lieutenants on duty during day shifts shall arrange to have vehicles taken to the Police Garage whenever they are due for servicing. Only one member shall be assigned to such duty and Lieutenants shall not assign this duty to themselves.
4. Members shall be responsible for notifying their immediate superior when MCT's are in need of repair.

B. Fueling Vehicles

1. Members assigned to mobile patrol units shall not allow fuel levels to get below one quarter of a tank at any time. An adequate supply of gas shall be left in the tank for the relieving crew.
2. Mobile patrol units shall obtain clearance from the Radio Dispatcher before leaving their assigned area of patrol for fuel.
3. Units going for fuel shall remain in radio contact and shall be available to

respond to calls at the direction of the Radio Dispatcher.

C. Reserve Vehicles

1. In reporting the manpower for each tour of duty, the 911 Lieutenant shall be made aware of all marked police vehicles that are not in use and that are available for patrol duty.
2. If any command has an insufficient number of cars available for patrol duty, the 911 Lieutenant shall direct them to pick up a spare vehicle from the closest source.
3. Vehicles so loaned as replacement vehicles shall be returned at the expiration of the tour of duty unless directed otherwise.

D. Speedometer Calibration

Speedometers are routinely calibrated by police garage personnel as part of the Preventative Maintenance Inspection (PMI). Calibration cards are forwarded to the Traffic Violations Bureau in the Ellicott Square Building.

7.0 RESPONDING TO CALLS

7.1 POLICY

It is the policy of the Buffalo Police Department that when members are directed to respond to a call for service, they shall proceed to the scene without delay, taking the most direct route. The swiftness of the response will be determined by the nature of the call. In every instance the member is required to use due care when operating a Department vehicle.

7.2 TYPES OF RESPONSES

There are basically three types of response to incidents requiring the police:

- A. Routine Response
- B. Rapid Response
- C. Emergency Response

7.3 ROUTINE RESPONSES

Routine responses are those in which there is no need for an immediate police presence at the scene. Examples include: reporting property crimes; assisting motorists; loud music; gangs; etc. Members shall respond to routine calls as expeditiously as their other assigned police related duties permit. The use of emergency lights or the siren should not be used.

7.4 RAPID RESPONSES

A rapid response is one in which the presence of the police is needed without delay, under non-emergency circumstances. In these type calls there is no imminent threat of death or injury, nor does it involve a serious crime in progress or the flight of a violent

felon. Examples include: alarms, domestic disputes, prowlers, suspicious persons, etc. The use of emergency lights and siren will be determined by the information received from the Radio Dispatcher.

7.5 EMERGENCY RESPONSES

An emergency response is one in which the presence of the police is needed immediately under emergency circumstances. These type calls involve an imminent threat of death or injury, serious crimes in progress, the flight of a violent felon or the imminent threat of severe property damage. Examples include: Officers in trouble, shootings, burglary/robbery in progress, assault in progress, etc. Emergency lights and/or siren shall be used when engaged in this type response.

7.6 CAUTION REQUIRED

- A. Members operating a Department vehicle with emergency lights or siren activated must exercise due regard for the safety of all persons including the Officers themselves.
- B. Members operating a police vehicle when emergency lights and/or siren is activated, must drive cautiously, traveling at a reasonable and prudent speed, and at all times maintaining control of the vehicle. They shall not proceed through intersections in which they face a red light, flashing red light, stop sign or yield sign, without first stopping the police vehicle and checking to make sure that cross traffic has halted and it is safe to continue. When two or more emergency vehicles approach an intersection simultaneously, the emergency vehicle which otherwise would have had the right of way shall proceed first.
- C. While Officers are afforded exemptions from certain traffic laws while operating a police vehicle with emergency lights or siren in operation, it specifically precludes them from operating the police vehicle in a reckless manner.
- D. No Departmental vehicle shall be used in an emergency response mode unless it is equipped with an operable siren and visible emergency signaling devices.

7.7 GENERAL PROCEDURES FOR RESPONDING WITH EMERGENCY LIGHTS OR SIREN ACTIVATED

- A. Emergency lights and/or siren must be activated when making an emergency response.
- B. Emergency lights and/or siren may be activated when making a rapid response and such emergency devices are needed to safely traverse heavily congested roadways and intersections.
- C. Emergency overhead lights or siren must be in operation any time a police vehicle proceeds past a red light, flashing red light, stop sign or yield sign, or whenever it

exceeds the maximum speed limit.

- D. Only the mobile patrol unit assigned to the call, and back up units specifically authorized by the Radio Dispatcher, shall use emergency lights and/or siren when responding to a call.
- E. Emergency lights and/or siren may be deactivated when nearing the scene so as not to alert suspects of the impending arrival of the police but they cannot be deactivated, if the public will be endangered by so doing.

8.0 BANK ALARM RESPONSE PLAN

8.1 POLICY

It is the policy of the Buffalo Police Department to adhere to the Erie County Bank Alarm Response Plan as set out below. The safety of bank employees, the general public, and the Officers themselves take priority over the immediate apprehension of the suspect.

8.2 OBJECTIVES

The objectives of the Bank Alarm Response Plan are threefold:

- A. To institute a procedure to provide protection and safety to bank employees, the general public, and to the responding Police Officers.
- B. To enable responding Officers to reach a predetermined location quickly and with minimal detection, as well as affording them maximum concealment while they observe the entire bank.
- C. To effect safe apprehension of the offender.

8.3 ALARM ACTIVATION

The alarm system is to be activated only in the event of a robbery in progress while the robbers are still in the bank or shortly after their departure. (This, of course, is the ideal situation. False alarms will in fact occur due to either mechanical problems or human error).

8.4 RESPONSIBILITY OF RESPONDING OFFICERS

The responsibility of responding to bank robberies, as well as the follow-up investigation, will be the duty of the District Detectives in which the robbery occurred.

911Dispatch will notify the Detectives in the District that a bank robbery occurred. A minimum of one (1) District Detective shall respond to the robbery scene. In the event a manpower shortage at the District level, the District Detective will be called for overtime to respond to the scene. The call-out is for one (1) Detective; any need for additional Detectives shall be at the discretion of the Duty Officer. If no District Detective is available for call-out, the District Sergeant may be called out.

Overtime will be granted in accordance with departmental guidelines regarding seniority.

The follow-up investigation remains within the District in which the robbery occurred.

The major goal is a quick and effective response to bank robberies, and to be able to do complete and total investigations of each such occurrence.

- A. When responding to bank alarms, discretion should be used in activating emergency lights and siren. Sirens should not be used if possible. However, vehicles shall be operated with safety as the highest priority.
- B. All other non-responding units should limit their radio transmissions until either a false alarm notification is made or the call is completed.
- C. Responding units shall observe the bank exits from a location from which the officers cannot be seen from inside the bank. They shall notify the Radio Dispatcher when they are on location and in position.
- D. No responding units shall approach the bank itself until the Radio Dispatcher has confirmed the nature of the bank alarm or the presence or absence of a suspect. The Radio Dispatcher is the only person authorized to permit access to the bank. Do not approach the bank without the permission of the Dispatcher.
- E. In the event of an actual robbery, the suspects will be allowed to exit the bank before the police take any action to terminate the robbery or take the suspects into custody.

NOTE: In the event of extenuating circumstances (e.g. shots being fired inside, etc.) notify the Dispatcher immediately.

- F. Subsequent to the robbery, bank personnel have been instructed to complete a "Bandit Description Report" (provided by the bank). They will also protect the crime scene and secure all exit doors. One designated bank employee will stand by the entrance door to meet the Officers and advise them of the situation.

8.5 FALSE/ACCIDENTAL BANK ALARMS

- A. All bank alarms will be considered as legitimate until confirmed as being false or accidental.
- B. All bank alarms will be confirmed through the Dispatcher prior to Officers approaching the bank.
- C. Once a bank alarm has been determined to be false, accidental, or a circuit problem, the bank manager will complete an "Alarm Activation Report" (provided by the bank). A copy of this form will be given to the responding Officer and should be forwarded to the Division of Administration and Communication.

8.6 ALARM TESTS

When a test of a bank's alarm system is required, the following procedures will be used:

- A. Bank officials will contact the Radio Dispatcher through the 911 complaint writers and give his/her name, the bank location and state his/her intention to test the alarm.
- B. The Radio Dispatcher will send a patrol unit to the bank.

9.0 POLICE PURSUIT

9.1 POLICY

It is the policy of the Buffalo Police Department that vehicular pursuit of suspects in motor vehicles shall be limited to those circumstances in which the life or safety of any person is in imminent danger, or in which the person being pursued is suspected of having committed a violent felony. Even in these limited circumstances, the pursuit must be discontinued whenever the risk to the Officers or to the public engendered by the pursuit, outweighs the benefit of immediately apprehending the suspect.

9.2 PURSUIT DEFINED

For purposes of this section, pursuit is defined as an attempt by a Police Officer, while driving a marked police vehicle, to arrest a suspect who is driving a motor vehicle and who is attempting to avoid capture by the use of evasive driving tactics which violate the law, and thereby willfully and knowingly fails to yield to the Officer's use of emergency lights and siren.

9.3 DECISION TO INITIATE PURSUIT

- A. The decision to pursue shall only be made after a careful consideration of all of the following relevant factors:
 - 1. Nature of the offense
 - 2. Time of day
 - 3. Weather conditions
 - 4. Geographic location/population density
 - 5. Familiarity with the area
 - 6. Vehicle capability and reliability.
- B. Pursuit shall not be initiated if the reason for the attempted stop is only for VTL violations, misdemeanors, or other non-violent felonies. This specifically prohibits pursuits for UUV's, possession of stolen property (MV) or Grand Larceny of a motor vehicle.
- C. Any police vehicle directly involved in a pursuit must use emergency lights and siren. Police vehicle windows shall be closed so that transmissions between the pursuing members and the Radio Dispatcher are more clearly audible.

- D. Police motorcycles or unmarked police vehicles shall not engage in pursuits. They may follow a suspect vehicle until a marked vehicle arrives and then yield and not participate any further. Members shall not violate the VTL while in unmarked vehicles or on motorcycles.

9.4 DEPARTMENT GUIDELINES: PURSUIT TACTICS

- A. The unit that initiated the pursuit shall be the "Primary Unit" and shall broadcast all pertinent information regarding the pursuit.
- B. The Radio Dispatcher will notify the 911 Lieutenant that there is a pursuit. The Dispatcher is then responsible for limiting the number of cars cleared to participate in the pursuit to one primary and one secondary unit. Other units may monitor the chase from their assigned sectors. Only the primary unit will communicate with the Dispatcher. These two units, along with a Supervisor, shall be the only units to engage in the pursuit. A Supervisor or Dispatcher may specifically authorize additional units to parallel the pursuit to the point of termination, but only if:
 - 1. the reason for the pursuit involved a crime of sufficient gravity, and
 - 2. the additional authorized units are at a safe distance and do not directly participate in the pursuit.
- C. Units that are not directly involved shall remain in their patrol sector but shall monitor the pursuit and be prepared to provide assistance if directed to do so.
- D. Discharging a Firearm or Shoulder Weapon: **DO NOT FIRE WARNING SHOTS**
 - 1. Where feasible and consistent with personal safety, give some warning, other than a warning shot, before using deadly physical force against another person.
 - 2. Do not discharge a firearm or shoulder weapon from or at a moving vehicle or its occupants unless the occupants of the other vehicle are using deadly physical force against you or another person by means other than the vehicle. Members shall not discharge their firearms at or from a moving vehicle when the consequences of so doing will jeopardize the safety of other members of the Department or innocent bystanders.
 - 3. Do not use deadly physical force when it appears likely that an innocent person may be injured as a result. Reckless conduct which harms an innocent person is not justified under the Penal Law.
- E. Members shall not bump or ram the suspect vehicle to terminate a pursuit. Barricading a roadway (road blocks) is impermissible unless:
 - 1. the suspect is being pursued for an offense or under circumstances for which the use of deadly physical force is permitted; and,
 - 2. the location of the barricade would permit the suspect vehicle sufficient time after having first seen the roadblock, to stop without crashing; and,

3. the location of the barricade is in an isolated area that eliminates danger to the public; and,
 4. the vehicles used to barricade the roadway are unoccupied, marked police vehicles, with emergency lights in operation (except that one vehicle located a sufficient distance behind the barricade shall be occupied and ready for pursuit in the event the suspect vehicle makes it past the barricade); and,
 5. prior approval has been expressly granted by the Duty Inspector, 911 Communications Lieutenant, or a District Supervisor and they have not subsequently reversed that order.
 6. the above also applies to Buffalo Police Officers who are assisting other agencies both inside and outside of the City of Buffalo.
- F. Members driving a police vehicle while involved in a pursuit shall drive with caution, traveling at a reasonable and prudent speed, and at all times maintaining control of the police vehicle. Pursuing members shall not proceed through intersections in which they face a red light, flashing red light, stop sign, or yield sign, without first stopping the police vehicle and checking to make sure that cross traffic has halted and it is safe to continue. When two or more emergency vehicles approach an intersection simultaneously, the emergency vehicle which otherwise would have had the right of way shall proceed first.

9.5 ABANDONING PURSUIT

- A. The primary purpose of a motor vehicle pursuit is to arrest fleeing suspects, using the least amount of force necessary, while minimizing the risk of harm to persons and property. As a consequence, members who are involved in pursuit must continuously evaluate whether the seriousness of the violation reasonably warrants continuation of the pursuit.
- B. The decision to engage in pursuit is not irreversible and it is the prudent Officer who knows when to terminate the chase. The immediate apprehension of an offender is never more important than the safety of innocent motorists and pedestrians, or the Officers themselves.
- C. A pursuit **must** be abandoned:
1. Immediately, when ordered to do so by a Superior Officer (First Line Supervisors are required to respond and monitor pursuits.);
 2. When Officers lose visual contact with the suspect vehicle;
 3. When there is a clear and unreasonable danger to the Officer or other users of the roadway (A clear danger exists when speeds dangerously exceed the normal flow of traffic or when vehicular or pedestrian traffic necessitates dangerous maneuvering which is beyond the capabilities of the police vehicle or the driver);
 4. When the offender can be sufficiently identified so that an apprehension can be more safely made at a later time.

- D. When pursuit is terminated, pursuing police vehicles will acknowledge that they have terminated their pursuit and will notify the Radio Dispatcher of their location before returning to their assigned patrol sector.

9.6 REPORTING REQUIREMENTS

- A. In all pursuits, the Senior on duty Supervisor will cause an investigation to be made and will report the results of the investigation, together with his/her recommendations, to the Commissioner of Police.
- B. Members initiating a pursuit will file a pursuit report via Blue Team prior to the end of the tour of duty.

9.7 PURSUIITS INTO THE CITY BY OUTSIDE AGENCIES

When an outside law enforcement agency pursues a vehicle into the City of Buffalo:

- A. The Buffalo Police Radio Dispatcher may assign one unit to assist the outside agency;
- B. The Supervisor on duty in the locale where the pursuit terminates will respond to the site of termination;
- C. The Buffalo Police Department members involved in the chase shall be responsible for complying with all existing pursuit procedures.

9.8 PURSUIITS INTO OTHER JURISDICTIONS

When a Buffalo Police Pursuit is anticipated to enter or enters another jurisdiction, the Dispatcher shall notify the appropriate the Police Department. When another jurisdiction gains control, allow them to become the primary pursuing agency.

10.0 CAR STOPS

10.1 POLICY

It is the policy of the Buffalo Police Department that when members stop vehicles for any police related purpose they shall do so in a manner that protects the safety of the member, the motorist, and the general public.

10.2 INITIAL STOP

Car stops are inherently dangerous police actions and should be undertaken with extreme caution. Members shall:

- A. Decide where there is a safe location to stop the vehicle;
- B. Activate the emergency lights and direct the vehicle's driver to pull over;
- C. Inform the Radio Dispatcher of his/her location, the license plate number, the number of occupants, and the reason for the stop;

- D. Position the police vehicle so that it is approximately three feet to the left and one car length behind the suspect vehicle with the spotlight or other lighting equipment illuminating the suspects;
- E. If necessary, order the suspects to remain inside the vehicle until directed otherwise.

10.3 APPROACHING THE VEHICLE

- A. The member's attention shall be focused on the occupants while approaching the vehicle, being alert for any suspicious or sudden movement;
- B. The member who was driving the police vehicle shall approach the suspect vehicle from the left and shall stop slightly behind the front door;
- C. In a two member police vehicle, the member riding on the passenger side shall approach the vehicle from the right and shall position himself/herself behind the suspect vehicle and slightly to its right, at all times closely monitoring back seat occupants and being aware of any suspicious or sudden movements by any of the occupants.

10.4 CONTROLLING THE DRIVER AND OCCUPANTS

- A. Department members shall immediately establish control over the driver and occupants of the suspect vehicle in a way that ensures the safety of the Officers, the vehicle's occupants, and the public.
- B. While members must always be courteous and polite, in this circumstance they must also be authoritative so that their commands to the occupants of the suspect vehicle are promptly obeyed.
- C. If it is necessary to remove occupants from the suspect vehicle, the Officer shall do so only when (s)he knows it can be done safely. If it cannot be done safely, the Officer shall request and await the arrival of assistance.
- D. Occupants who have been removed from a suspect vehicle shall be kept under control and shall not be allowed to wander.

10.5 TRAFFIC CHECKPOINTS

Members of the Department may establish traffic checkpoints but only with the express permission of a Inspector, a Chief, a Deputy Police Commissioner, or the Police Commissioner. The purpose of a checkpoint is to stop motorists and to methodically evaluate their compliance with the law. The superior officer shall document any such activity in his/her activity report, and shall also prepare a "Buffalo Police Department Traffic Checkpoint Form" (also referred to as a Roadblock Form), as directed by the DPC. The purpose of the directive is to ensure roadway safety. Officers shall:

- A. Make the traffic checkpoint (roadblock) obvious. Overhead flashing lights must be activated on all vehicles taking part in the roadblock.
- B. The traffic checkpoint (roadblock) must not be unreasonably intrusive to the motorists.
- C. Set the traffic checkpoint (roadblock) in a way that minimizes the possibility of avoiding it.
- D. Conduct a traffic stop on any vehicle that attempts to avoid the traffic checkpoint (roadblock). Officers are permitted to check the motorist for valid license, registration, and insurance documentation and also to make inquiry as to why the motorist avoided the roadblock.
- E. During the traffic checkpoint (roadblock), check all drivers and passengers for proper wearing of seatbelts.
- F. During the traffic checkpoint (roadblock), check all vehicles for proper registration and vehicle inspection stickers affixed to the windshield.
- G. Act upon any and all “probable cause” situations arising from information obtained from the “mobile plate reader” and/or from “officer initiated plain view” observations.
- H. Prepare and issue traffic summonses for any violations of law observed during the traffic checkpoint (roadblock).
- I. The traffic checkpoint (roadblock) must begin and end at the predetermined times listed on the form.
- J. All officers involved in the traffic checkpoint (roadblock) shall be given a copy of the form prior to the actual roadblock taking place.

Also to be considered and followed:

- K. The site selected shall be an area where the risk to the Officers and the public can be minimized.
- L. Check points (roadblocks) shall be established during those times of day when interference with traffic flow will be minimized.
- M. Flares, checkpoint warning signs, police vehicles with emergency lights in operation, and/or traffic cones, will be used to alert traffic of the existence of the checkpoint (roadblock) and to direct traffic to the checkpoint (roadblock) area in a safe manner.

11.0 EXCESSIVE AVOIDABLE ALARMS

11.1 POLICY

Avoidable alarms, including intrusion alarms, hold-up alarms, and other types of alarms, contribute to the ineffective utilization of Department personnel. They require an emergency response which jeopardizes the safety of the responding officers and the public; they may interfere with or delay a response to a genuine emergency; and they often produce unnecessary noise in the surrounding community. It is the policy of the Buffalo Police Department to fully cooperate with Director of Housing and Inspections, as well as other city employees, in enforcing Chapter 263, Section 263-12 of the City Ordinances.

11.2 AVOIDABLE ALARM DEFINED

An "avoidable alarm" means any activation of an alarm device or system through intentional or accidental activation, mechanical or electronic failure, malfunction, improper installation, improper maintenance or the negligence of the owner, user, custodian or lessee of an alarm system or his/her employees or agents which through notification to the Department of Police indicates that an emergency situation exists requiring an emergency response in the City of Buffalo when in fact an emergency situation does not exist. It does not include alarms activated by acts of God, such as hurricanes, tornadoes or earthquakes.

11.3 AVOIDABLE ALARMS - REPORTING DISPOSITIONS

When sworn members respond to a business alarm, residential alarm or bank alarm and they determine that the alarm was avoidable as described above, they shall indicate such disposition to the Dispatcher and the reason for concluding that the alarm was avoidable.

11.4 DEPARTMENT REPORTING TO HOUSING AND INSPECTIONS

Dispositions indicating an avoidable alarm shall be recorded through the CAD/CHARMS System. The Division of Communications and Records shall regularly forward a record of such dispositions to the Director of Housing and Inspections. Avoidable alarms in excess of three per year starting from the date the permit was issued shall be subjected to fines as specified in the City Charter.