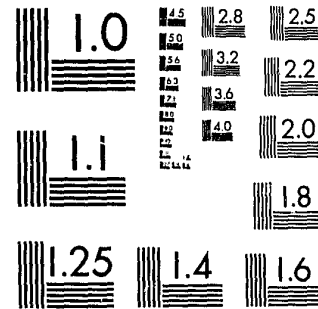


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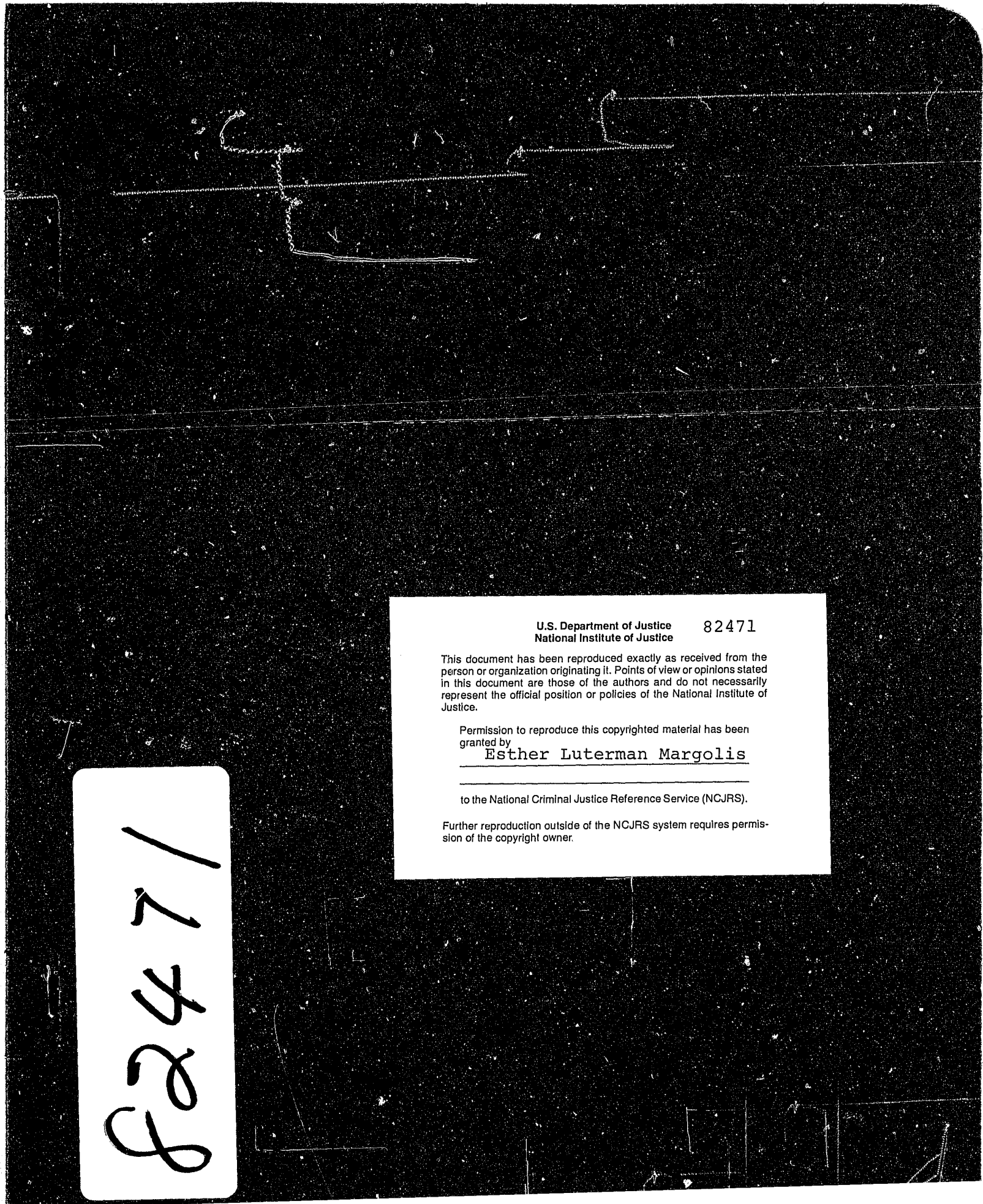
MICROCOPY RESOLUTION TEST CHART  
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HIGH SPEED PURSUIT: DISCRETION OR RESTRICTION?

A paper presented to the  
Academy of Criminal Justice Sciences  
1981 Annual Meeting  
March 11-14  
Philadelphia, Pennsylvania

By  
Esther Luteran Margolis  
Phoenix Police Department

ABSTRACT

The Police pursuit situations are examined to determine if existing policy must be changed. High speed police pursuit through crowded City streets can be the cause of costly civil judgements against municipalities. Across the United States, more restrictive pursuit policy is rapidly becoming the norm in metropolitan police departments. As Phoenix, Arizona, is one of the fastest growing cities in the United States, it becomes increasingly important to have hard data on which to base the decision of whether or not to implement a more restrictive pursuit policy. To provide management with the data necessary for this decision, a 90 day experiment was conducted on a City-wide basis. The experiment researched all aspects of pursuit such as: initiating incidents; speed reached during pursuit; numbers of police vehicles involved in a pursuit; etc. The following report analyzes the results of this experiment.

NCJRS

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ACQUISITION

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## INTRODUCTION

Phoenix, Capital of the State of Arizona, derives its name from the legendary Phoenix Bird, which lived for 500 years, perished in the flames of a funeral pyre and rose from the ashes youthful and strong to begin life anew. The City of Phoenix was built on the remains of an ancient Hohokam Indian settlement and is today one of the fastest growing cities in the United States. Phoenix has grown from a population of 65,000 and an area of ten square miles in 1940 to today's population of 767,559 living in a metropolitan area that encompasses 325 square miles.

As the City of Phoenix grows and becomes increasingly congested with traffic, police pursuit through congested streets may become increasingly hazardous and dangerous. Police departments across the nation, such as Kansas City, Missouri, Dallas, Texas, and San Diego, California, have modified their pursuit policies to limit police officer discretion on how and when a high speed pursuit may be undertaken. These policy changes occurred because of growing numbers of lawsuits brought against police departments by "innocent bystanders" who have become victims of high speed police pursuits. In light of the above, the Field Operations Division of the Phoenix Police Department has begun

to question the need to modify the existing departmental philosophy and policy regarding criteria for high speed pursuit.

Current regulations governing police pursuits in the City of Phoenix are ARS 28-624C, which refers to the equipment that emergency vehicles must display when operating in excess of posted speed limits, and the departmental policy detailed in General Order A-11, paragraphs 2, 3, 4, and 5. (APPENDIX)

Since the Police Department keeps no records of police pursuits, it is unknown if, or to what extent, high speed pursuits have been a problem and whether or not existing policy needs to be changed. In order to ascertain the magnitude of the problem, a survey was conducted in all of the patrol districts to gather the necessary baseline data.

## METHODOLOGY

The type of information required for an initial data base was the answers to such questions as: How many pursuits in a given time period? What speeds were reached? Was Police Air Support used? Was the offender apprehended? Were there injuries to police officers, offenders or innocent victims? To provide the answers to these and other related questions, a simple check-off form was designed (Figure 1) to be used any time an officer used red lights and siren and/or drove in excess of 55 miles per hour. The form was designed to fit into the traffic citation holder so that several of the forms could be kept by each patrol officer. Forms were to be completed at the conclusion of a pursuit and given to squad sergeants at the close of shift. Completed forms

were sent to the Planning and Research Bureau for tabulation. The survey was conducted from February 1, 1980, through April 30, 1980.

PURSUIT OR CODE 3 REPORT		
METRO MOTORS <input type="checkbox"/>		
DISTRICT NO. _____	DATE PURSUIT OCCURRED: _____	OFFICER SERIAL NO. _____
TIME PURSUIT STARTED _____	ENDED _____	MAXIMUM SPEED _____
1. WHAT INITIATED THE PURSUIT? _____		
2. IF PURSUIT RESULTED IN A COLLISION, WAS THERE:		
<input type="checkbox"/> DAMAGE TO POLICE VEHICLE		
<input type="checkbox"/> DAMAGE TO PURSUED VEHICLE		
<input type="checkbox"/> DAMAGE TO NON-INVOLVED VEHICLE/PROPERTY (Circle one or both if applicable)		
<input type="checkbox"/> NO DAMAGE		
3. IF PURSUIT RESULTED IN A COLLISION, WAS THERE:		
<input type="checkbox"/> INJURY TO OFFICER	<input type="checkbox"/> DEATH OF OFFICER	
<input type="checkbox"/> INJURY TO SUSPECT	<input type="checkbox"/> DEATH OF SUSPECT	
<input type="checkbox"/> INJURY TO BYSTANDER	<input type="checkbox"/> DEATH OF BYSTANDER	
<input type="checkbox"/> NO INJURIES	<input type="checkbox"/> NO DEATHS	
4. POLICE AIR SUPPORT USED? <input type="checkbox"/> YES <input type="checkbox"/> NO AIR SUPPORT AVAILABLE <input type="checkbox"/>		
UNAVAILABLE <input type="checkbox"/>		
5. WAS SUSPECT APPREHENDED? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		

Figure 1

FINDINGS

There were 48 Pursuit/Code 3 Reports completed during the 90-day experimental period. Of this number, 42% of the reported pursuits occurred in District 7. (See APPENDIX for City map depicting District boundaries.)

PURSUITS IN PATROL DISTRICTS		
District	Number of Pursuits/Code 3	% of Total
4	6	13
5	5	10
6	11	23
7	20	42
8	6	13
Total	48	101%

Table 1

86% of the reported pursuits lasted for five minutes or less.

APPROXIMATE LENGTH OF TIME OF PURSUITS		
Length of Time In Minutes	Number of Pursuits	% of Total
1	5	10
2	9	19
3	8	17
4	6	13
5	13	27
8	1	2
9	1	2
17	1	2
20	1	2
No time noted	3	6
Total	48	100%

Table 2

88% of the reported pursuits reached speeds of 50 miles per hour or greater.

SPEED REACHED DURING PURSUITS		
Speed In Miles Per Hour	Number of Pursuits	% of Total
35-49	6	13
50-64	20	42
65-79	9	19
80-94	8	17
95-109	1	2
110-120	3	6
No speed noted	1	2
Total	48	101*

Table 3

48% of the reported pursuits occurred between 9:00 PM and 4:59 AM.

TIME OF DAY OF PURSUITS		
<u>Pursuits Began</u>	<u>Number of Pursuits</u>	<u>% of Total</u>
1:00 - 4:59 AM	10	21
5:00 - 8:59 AM	5	10
9:00 - 12:59 PM	3	6
1:00 - 4:59 PM	5	10
5:00 - 8:59 PM	11	23
9:00 - 12:59 AM	13	27
No time noted	1	2
Total	48	99%**

Table 4

25% of the reported pursuits occurred on Monday.

DAY OF WEEK PURSUITS OCCURRED		
<u>Day</u>	<u>Number of Pursuits</u>	<u>% of Total</u>
Sunday	5	10
Monday	12	25
Tuesday	4	8
Wednesday	8	17
Thursday	6	13
Friday	6	13
Saturday	6	13
No date noted	1	2
Total	48	99%**

Table 5

50% of the reported pursuits were initiated because of a traffic violation.

INITIATING INCIDENTS OF PURSUITS		
<u>Initiating Incident</u>	<u>Number of Pursuits</u>	<u>% of Total</u>
Excessive speed	8	17
Other traffic violations	16	33
Department of Public Safety request	3	6
Maricopa County Sheriff's request	1	2
Hot Call - Armed Robbery	4	8
Hot Call - Shooting	3	6
Fight with weapons	3	6
Suspect with gun	3	6
Other	7	15
Total	48	99%**

Table 6

27% of the pursuits resulted in a collision and of these, 18% resulted in vehicle/property damage.

In those pursuits resulting in a collision, there were no injuries or deaths reported.

PURSUITS RESULTING IN COLLISIONS		
<u>Incident</u>	<u>Occurrences</u>	<u>% of Total</u>
Collision	13	27
Damage to police vehicle	(2)	(4)
Damage to pursued vehicle	(4)	(8)
Damage to non-involved vehicle/property	(3)	(6)
No damage reported	(7)	(15)
No Collision	35	73

Table 7

\*Percentages over 100% due to rounding factors  
 \*\*Percentages under 100% due to rounding factors

Police Air Support was used in five (10%) of the reported pursuits.

Police Air Support was available for ten of the reported pursuits; not available for ten of the reported pursuits and it is not known whether Air Support was available for 28 of the reported pursuits.

In 30 (63%) of the reported pursuits, the suspect was apprehended. The suspect was not apprehended in 18 (38%) of the reported pursuits.

Forty-two (88%) of the reported pursuits were conducted by one-officer patrol cars and six (12%) were conducted by two-officer patrol cars. Four officers were involved in two pursuits each and one officer was involved in three pursuits.

The following material is included to provide additional, pertinent information.

The departmental law specialist's files were reviewed for pursuit-related lawsuits against the Department. During the three year period, 1977-1979, there were only three lawsuits brought against the Department. One suit was dismissed by the court; one suit was resolved in favor of the complainant, and \$15,000 was awarded as compensation; and the final lawsuit is still pending.

A check was also made at the City Vehicle Maintenance Center. Their records show that 278 patrol cars were involved in accidents in 1979; however, they were not able to determine what percentage of the accidents are the result of a police pursuit, as those records are not kept. The damage rate to police vehicles is .76 vehicles damaged per day.

Police officers are aided in any pursuit situation by the physical conditions that exist in Phoenix. The climate is warm, sunny and dry. The average annual rainfall is 7.05 inches; the average daily temperature varies from a high of 85 degrees to a low of 55 degrees, and Phoenixians can expect sunshine 86% of the year. (National Weather Service, March, 1979) There are 3,084 miles of streets patrolled by a maximum of 175 marked police vehicles at any given time. (Generally, this number of vehicles is reserved for Fridays and Saturdays between 2:30 P.M. and 12:30 A.M.) The population density averages 2,361 people per square mile.

#### DISCUSSION AND RECOMMENDATIONS

This study was undertaken to determine the adequacy of existing departmental pursuit policy. This policy allows individual officers the discretion to choose when they will initiate a high speed pursuit.

The data indicates that Phoenix Police Officers do not engage in frequent high speed pursuits through crowded City streets. Pursuits occur at the approximate rate of one every other day. The majority (59%) of these pursuits last for fewer than five minutes. There are remarkably few lawsuits brought against the Department as the result of personal injury or damage to property by the innocent bystander victims of such pursuits. Indeed, there are very few accidents arising from pursuit situations. Therefore, it appears that Phoenix Police Officers are using good judgement in their choices of when they will engage in a high speed pursuit.

The results of this study indicate that existing departmental pursuit policy is adequate at this point in time and change to a more restrictive pursuit policy is not warranted.

APPENDIX

28-611. Powers of governor

The governor, in addition to other duties and responsibilities conferred upon him by the constitution and laws of this state, may contract and do all other things necessary to secure the full benefits available to this state under the federal highway safety act of 1966, and in so doing, the governor may cooperate with federal and state agencies, private and public organizations, and with persons, to effectuate the purposes of such safety act, and any amendments thereto. The governor shall be responsible for and may administer through such appropriate agency of this state as he shall designate within thirty days from the effective date of this section, the highway safety programs of this state and those of its political subdivisions, all of which shall be in accordance with the federal highway safety act of 1966 and federal rules and regulations adopted to implement such act and as further provided by law.

28-621. Provisions of chapter refer to vehicles upon the highways; exceptions

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of articles 4 and 5 of this chapter shall apply upon highways and elsewhere throughout the state.

28-622. Obedience to police officers

No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

28-622.01. Unlawful flight from pursuing law enforcement vehicle; classification

Any driver of a motor vehicle who wilfully flees or attempts to elude a pursuing official law enforcement vehicle which is being operated in the manner described in subsection C of section 28-624 is guilty of a class 5 felony. Such law enforcement vehicle shall be appropriately marked showing it to be an official law enforcement vehicle.

28-623. Public officers and employees to obey chapter; exceptions

- A. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
- B. Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, or to railroad employees working on a railroad track or tracks crossing the highway, but shall apply to such persons and vehicles when traveling to or from such work.

28-624. Authorized emergency vehicles

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.
- B. The driver of an authorized emergency vehicle may:
  1. Park or stand, irrespective of the provisions of this chapter.
  2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  3. Exceed the prima facie speed limits so long as he does not endanger life or property.
  4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The exemptions granted by this section to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to



the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

- D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of his reckless disregard for the safety of others.



**PHOENIX POLICE DEPARTMENT  
GENERAL ORDER**

OPERATION & MAINTENANCE OF DEPARTMENT VEHICLES

ORDER NUMBER

A-11

DATE

REV. 7/15/80

1. **OPERATION OF DEPARTMENT VEHICLES:** Employees will comply with the vehicle laws as contained in ARS Title 28 at all times when operating City-owned, RENTED, LEASED OR SEIZED vehicles. \*
  - A. Employees will not use Department vehicles without the permission of a superior officer and will not use them for other than official police business.
  - B. Employees shall possess a valid Arizona Driver's License appropriate to the type of vehicle being driven.
  - C. Careless, abusive use of police vehicular equipment will result in disciplinary action.
  - D. Employees will use seat belts in all vehicles so equipped and will require all passengers to do the same.
  - E. Employees will not drive off roadways, into river bottom areas, mountainous areas or desert areas unless absolutely necessary to perform a police function. When necessary to enter these areas, employees will enter on foot whenever practical.
  - F. When a wagon is being backed, the passenger officer or guard will stand outside to the rear of the wagon to guide and signal the driver. If no passenger officer or guard is present, the driver will carefully back the wagon to the desired location.
2. **HIGH SPEED DRIVING:** Officers will comply with the following when driving at high speeds:
  - A. When deciding to initiate or continue driving at high speeds, officers will consider such factors as traffic volume, time of day, the type of violation/s committed and potential hazard to themselves and the public.
  - B. Wagons will not become involved in pursuits while prisoners are on board. Wagons and three-wheel motorcycles will not be driven in excess of 45 MPH except in cases of extreme emergency. Any patrol or shuttle wagon that does become involved in a pursuit will cease immediately when a patrol car joins the pursuit.
  - C. Drivers of police units under emergency conditions will utilize siren and red lights (if the vehicle is so equipped). Red lights only may be used in responding to certain emergency calls to avoid alerting suspect/s. However, the use of red lights only does not exempt the driver from the provisions of the Vehicle Code.

D. Nothing in this policy is intended to suppress the intelligent exercise of initiative by any officer, nor does it eliminate the duty of all officers to pursue and arrest violators of the law.

3. REQUIREMENTS FOR PROCEEDING UNDER EMERGENCY CONDITIONS: The Vehicle Code provides that the driver of an authorized emergency vehicle will be exempt from the provisions of the Code ONLY when the authorized emergency vehicle is being operated under the conditions outlined in this section.

A. Three things must exist simultaneously before the privileges provided for in the Vehicle Code can be utilized:

- (1) The vehicle driven must be an authorized emergency vehicle.
- (2) One or more of the following circumstances must exist.
  - (a) The unit must be responding to an emergency.
  - (b) The unit must be in the immediate pursuit of a suspected or actual violator of the law.
- (3) A siren must be sounded and a red light displayed (when the vehicle is so equipped) in compliance with State law.

B. Officers will have sufficient information to justify the conclusion to drive under emergency conditions.

C. The provisions of this section will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor will these provisions protect the driver from the consequences of his disregard for the safety of others.

4. PURSUIITS: The following policies will govern high speed vehicle pursuits:

- A. Red lights and siren will be used at all times (except when clocking vehicles for violations of the Traffic Code).
- B. Officers will avoid high speed pursuits, where practical, when their vehicles are occupied by prisoners, suspects, complainants, witnesses, civilian observers or any other person not on duty as a police officer.
- C. Officers involved in pursuits will maintain constant and coherent communications with the radio dispatcher providing the following information on a timely basis:
  - (1) Description of the vehicle being pursued.
  - (2) Description and number of suspects in the vehicle if possible.
  - (3) The offense for which the suspect/s is/are wanted.

(4) The street, location and direction of travel of the vehicle.

(5) Any possible hazards to assisting officers.

D. Officers will not discharge firearms at vehicles being pursued.

E. Officers will request assistance from the Air Support Unit and once the pursued vehicle is engaged by an aircraft, officers will avoid high speeds and utilize aircraft assistance as much as possible.

5. RESPONDING TO 999 REQUEST: Request for urgent assistance (999) from other officers will be given when a life-or-death situation involving an officer appears imminent. Officers responding to such request will bear in mind that even though rapid response to a 999 request is essential, in order to assist, they must arrive at the scene safely.

A. Responding units will acknowledge the transmission and switch to "CHASE" frequency.

B. High speed travel will be discretionary with each individual officer.

C. If a Code 4 (no further assistance needed) signal is given, responding units which have not arrived at the scene will return to normal service.

D. Immediate assistance will be given to the officer/s initiating the 999 request.

(1) Circumstances at the scene will be relayed to the radio dispatcher, including information on when the incident is Code 4, whether an ambulance is needed, whether additional police units are needed, etc.

(2) If a Code 4 is given, the officer will advise the reason that the situation is Code 4 (i.e., suspect in custody, false alarm, etc.; and a brief synopsis of the incident, i.e., assault, shooting, etc.).

E. The first supervisor to arrive at the scene will take charge and issue such commands and orders as necessary to bring the situation under control as quickly as possible, until or unless relieved by a supervisor of higher rank.

F. The supervisor on the scene will be responsible for disseminating information concerning the emergency to the news media.

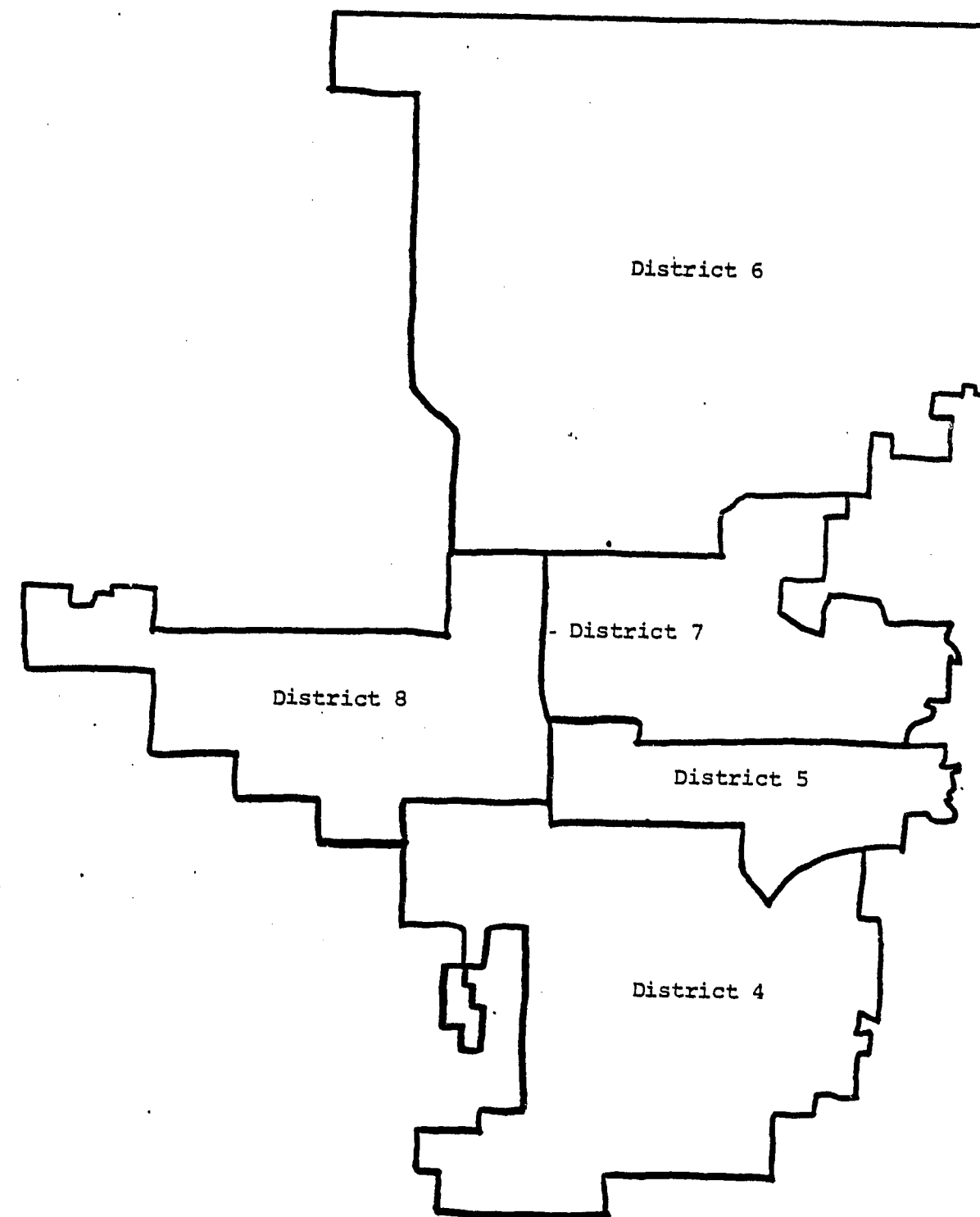
G. Anytime the number 999 must be used in a non-emergency situation (i.e., license number, street number, etc.), it will be transmitted over police radio as nine hundred and ninety-nine.

6. MAINTENANCE: Employees driving or assigned the use of a City vehicle will be responsible for compliance with items in this section.
- A. Employees will inspect their assigned vehicle before each tour of duty and report any damage or mechanical failure in writing prior to using the vehicle.
- (1) Malfunctions during shift will be reported to a supervisor immediately.
- (2) Vehicles in unsafe mechanical condition will not be driven.
- B. On the street, breakdowns will be reported immediately to the City Equipment Management supervisor either by telephone or by police radio.
- C. When any police vehicle sustains considerable damage from the malicious acts of another person, identification technicians will take color photographs of the damage.
- D. Employees will insure that their assigned vehicles have sufficient gas and oil for their assigned shift and that tires are properly inflated.
- E. Employees will insure that their police vehicles are kept clean and free of trash.
7. POLICE VEHICLE SECURITY:
- A. Personnel will lock police vehicles when leaving them unattended with the following exceptions:
- (1) Left at the mechanical maintenance shop.
- (2) Parked on a City parking lot supervised by on-duty parking lot attendant (ignition keys will be left with the attendant).
- (3) It would be unwise to lock the vehicle while involved in a police incident when use of the vehicle radio appears likely.
- (4) Parked in any secure police facility.
- B. When vehicles are left at a mechanical maintenance shop, the radio shop or other locations for repairs, etc., the shotgun and gun kits will be removed from the vehicles and secured at a police facility.
- C. When any police vehicle is left for an extended period of time for repairs, all equipment will be removed from the vehicle and secured at a police facility.

8. PARKING POLICE VEHICLES: Officers will keep in mind the safety of the public when parking police vehicles and will not park a vehicle in such a manner as to create a hazard.
- A. If a police vehicle is parked in a manner as to protect an accident scene or to provide illumination at night upon the traveled portion of a roadway, the vehicle's red lights will be activated.
- B. Main Police Station - Employees working at the Main Station will park police vehicles in areas designated by their Division/Bureau Commander/Administrator.
- C. District Stations - A map indicating proper areas for parking will be posted in each District Station and employees will comply with the posted map for parking both police and personal vehicles. Out-of-service vehicles from any Bureau, except those designated by Commanders as on 24-hour call, parked at District Stations will be subject to use by any on-duty officer. (Undercover vehicles are excluded from this requirement.)
- (1) The keys will be left at the District Station.
- (2) Each key will have a tag listing the equipment number, the license number, and the description of the vehicle.
- (3) A spare set of keys will be maintained by the Bureau to which the vehicle is assigned.
- D. City Parking Lots - Officers may park police vehicles in City Motor Pool parking lots, insuring utilization of proper spaces.
- E. VEHICLE PARKING - Employees driving City cars shall not use public metered parking spaces adjacent to City buildings if there are City parking facilities available within reasonable walking distance. This will keep metered spaces closest to the City buildings free for use by the public when they are conducting business with the City. \*
- F. Sky Harbor Airport - If an employee is on Department business at Sky Harbor International Airport, he will: \*
- (1) Park in the Terminal Number One parking lot if at Terminal Number One.
- (2) Park in long-term parking lot if at Terminal Number Two.
- (3) Park in the parking garage, level three or above if at Terminal Number Three.

PHOENIX POLICE DEPARTMENT  
DISTRICT BOUNDRIES

- (4) The employee will place his name, serial number and equipment number on the parking slip and will turn the slip into the parking attendant at the exit booth.
- 9. FIRE EXTINGUISHERS: Fire extinguishers installed in vehicles will be identified by a Department number etched on the side. The number will be noted on the appropriate vehicle inventory card.
  - A. Extinguishers in need of refilling will be taken to the Property Management Bureau for replacement.
  - B. Employees will not test fire extinguishers.
- 10. RENTAL AND LEASE VEHICLES: Division/Bureau/District Commanders/Administrators will notify the Fiscal Management Bureau by memorandum whenever personnel of their Division/Bureau/District rent or lease a vehicle to be used by on-duty officers. The name of the rental agency or company and the number of vehicles rented will be included for addition to the City's liability insurance policy. This same procedure will be followed with seized vehicles retained for use by the Department prior to being placed into service.
- 11. DAMAGE TO RADIO EQUIPMENT: To prevent extensive damage to radio equipment in vehicles, employees whose vehicles have been exposed to rains or flooding will check the trunk compartment for evidence of water. When it appears that water has leaked into the trunk, the vehicle will be taken to the Communications Shop for inspection.
- 12. ENERGY CONSERVATION: In order to conserve energy, employees will comply with the recommendations outlined in this section whenever possible.
  - A. Drive at reduced speeds.
  - B. Limit prolonged idling of vehicle engines.
  - C. Combine trips and consolidate passengers.
  - D. Avoid fast starts and quick stops.
  - E. Limit the use of vehicle air conditioners.
- 13. DAMAGE TO CITY VEHICLES: Any employee who damages or becomes involved in a motor vehicle accident with a City-owned vehicle, rented, leased or seized vehicle will be responsible for immediately notifying their supervisor.
- 14. The Accident Analysis Committee will analyze all traffic accident reports and support documents involving on-duty personnel. (Refer to General Order A-13 for discussion of the Safety Program.)



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**END**