**SAMPLE POLICE DEPARTMENT**

**Emergency / Non-Emergency Vehicle Response**

NOTE: The following guidelines address both safety and policy and are for internal use only. This document does not nor is intended to enlarge an employee’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of these guidelines if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

###### PURPOSE and SCOPE

To establish guidelines concerning the safe and proper operation of police vehicles specifically in response to emergency situations and is applicable to all sworn members and communications/911 personnel.

###### POLICY

1. The SAMPLE Police Department places a high value upon the life and safety of each of its officers and the public at large. The methods used to enforce laws should minimize the risk of injury to officers and citizens alike. This value on human life must be reconciled with the authority of a police officer to operate a police vehicle at high speeds in emergency conditions.
2. Therefore, it is the policy of this department to require officers to respond to emergency and non-emergency response to calls with due regard for safety to eliminate the risk of death or injury which may result from reckless and/or negligent behavior. This policy is consistent with the primary objective of the SAMPLE Police Department, which is the protection of life and property.
3. Emergency driving is justified only when the officer knows, or has reasonable grounds to believe, that a true emergency exists or when a serious felony has been committed or is in the process of being committed.
4. No related provisions of state law, city ordinance, or departmental directive will relieve the driver of a police vehicle from duty with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless and/or negligent behavior.

###### DEFINITIONS

1. Emergency: A set of facts or circumstances under which an officer knows or has reason to believe that a situation exists in which there is imminent danger of serious injury or death or substantial property loss or damage, or, a serious felony has or is occurring, or, for the apprehension of a known or suspected violator, and necessitating an immediate response.
2. Emergency Vehicle: Any police vehicle equipped with operable emergency equipment, including audible siren and emergency flashing lights (blue or blue and red) while such vehicle is being operated by a police officer pursuant to CODE of Alabama §32-1-1.1.
3. Emergency Calls: An emergency exists. Those calls of a nature in which time and expediency are of the essence. Among these are burglaries in progress, robberies, and calls where the lives of a citizen or a fellow officer hang in balance (Often referred to as a CODE 3 call). Responding officers will respond with siren and emergency lights activated in accordance with CODE of Alabama §32-5A-7.
4. Non-Emergency Call: Routine, not an emergency. Those calls which carry with them no sense of urgency (Often referred to as a CODE 1call). Responding officers will obey all traffic laws.
5. Serious Felony: A felony in which there is imminent danger of serious injury or death or substantial property loss or damage, and which may include but is not limited to burglary in progress, robbery, rape, murder, assault, or similar offenses.
6. CODE of Alabama §32-5A-7 - Authorized emergency vehicles

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the 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 herein stated.

(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 maximum 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 herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 32-5-213 and visual requirements of any laws of this state requiring visual signals on emergency vehicles.

(d) The foregoing provisions 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 such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

##### *(Acts 1980, No. 80-434, p. 604, §1-106.)*

###### PROCEDURE

1. Evaluating Risks:

Police officers will be accountable for evaluating the risks associated with operating a police vehicle in their response to emergency and non-emergency conditions. When there is a clear and unreasonable hazard to the officer, violator, or other motorists or pedestrians, emergency responses should not be initiated or continued. An unreasonable hazard exists when speeds dangerously exceed the flow of traffic or when vehicular or pedestrian traffic necessitates erratic maneuvering which exceeds the performance capabilities of the vehicle or the driver. Factors an officer must consider include, but are not limited to:

1. The performance capabilities of the police vehicle and driver.
2. The seriousness of the perceived emergency.
3. Roadway conditions, either structural or weather related.
4. Pedestrian traffic.
5. Speed; and
6. Direction of traffic flow and traffic volume.
7. Non-Emergency Calls:

Officers of this department shall respond to CODE 1 (non-emergency and/or routine) calls without undue delay in the following manner:

1. Proceed by the most direct route.
2. Do not use emergency equipment (blue lights and siren are not authorized).
3. Obey all traffic laws, including speed limits and traffic control devices.
4. Emergency Calls:
5. The responding officer(s) will use siren and blue light(s) continually. All drivers operating a vehicle in a CODE 3 (EMERGENCY) response will notify communications/911 immediately.
6. Personnel will be authorized to exercise the provisions of the CODE of Alabama §32-5A-7, under the following conditions:
7. When enroute to a known or presumed serious felony in progress.
8. When enroute to a scene where a person is presumed to be injured, or ~~where~~ there is imminent danger that a person will be injured or killed.
9. When enroute to a scene where there is imminent danger of substantial property loss or damage.
10. When in pursuit of a vehicle or person, or to stop a motorist on the roadway.
11. Officers should carefully, but swiftly, evaluate the nature of the call to determine the degree of seriousness and proceed by the most direct route.
12. The number of responding officers shall be limited to that which is reasonably necessary and is dependent upon the nature and severity of the emergency.
13. Officers should not travel at a speed any greater than necessary or that endangers life or property.
14. If it is necessary to proceed through an intersection, it shall be accomplished as follows:
15. If the emergency vehicle has the right-of-way, the officer should slow upon approach to ensure the intersection is clear and can be safely negotiated.
16. If the emergency vehicle does not have the right-of-way, the officer shall stop before entering the intersection to ensure it can be safely negotiated.
17. If other traffic is present, establish visual (eye-to-eye) contact with the intersecting driver(s) to ensure they are yielding before proceeding through the intersection.
18. At any time or for any reason an officer elects to respond to the call without operating their blue lights and siren, the officer shall first slow to a speed within the speed limit, deactivate the emergency equipment, and notify the dispatcher of their action.
19. At no time shall an officer violate a traffic law or speed limit without all the emergency equipment activated.
20. At the scene, the first officer arriving should determine the severity of the emergency, the necessity of additional officers responding and the level of their response.
21. Pursuit Actions:
22. Pursuit of motor vehicles is a form of emergency driving and all considerations prescribed in this directive apply.
23. Pursuit driving shall be accomplished as outlined in the department’s Vehicle Pursuit Policy.
24. Communications/911 Responsibilities:
25. Communications/911 will advise the nature of the call and other information, as known, to the responding and back-up officers so they and supervisory officers may best make determination as to their type of response.
26. Officers at the scene will provide necessary information and status concerning a situation to Communications/911, fellow officers, and supervisors.
27. Any further information received that would seem to escalate or de-escalate the nature of the call, shall be relayed to the officers by the communications/911.
28. Control and coordinate all radio communication as needed until the situation is stabilized or resolved.
29. Document any changes in number of units responding, level of response, or other pertinent information related to the emergency.
30. Supervisor Responsibilities:
31. Upon notification the Supervisor shall:
32. Review the response mode assigned to determine if it is appropriate and reasonable and reclassify the response mode if needed.
33. Review the number of units responding and make adjustments as needed.
34. Monitor the response until it has been stabilized or terminated and assert control by directing specific units into or out of the response as needed.
35. Other Considerations:
36. Officers transporting civilians (prisoners, suspects, witnesses, etc.) should refrain from operating in an emergency response mode or responding to any other situation in which safety is endangered.
37. All personnel and passengers in an emergency vehicle shall utilize safety restraints (seat belts) in accordance with departmental policy and Alabama State Law.
38. When available, officers will attend in-service and/or advanced training courses concerning Emergency Vehicle Operation.

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you from the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*