



POLICY AND PROCEDURE

NO.420.1

Emergency Response Driving

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PURPOSE:

1. The purpose of this policy is to establish guidelines for making decisions with regard to vehicular operation during non-pursuit, emergency response driving, during emergent situations.
2. Police emergency response vehicular operation has become an increased focus of attention for public safety officials, the media, and the public at large.
3. The legal standard for liability is considerably lower than that of pursuit based vehicular operation.
4. Therefore, this policy creates an acceptable balance between the expeditious operation of police vehicles in emergency situations, and the responsible and safe operation of police vehicles, in order to protect the general public, as well as the law enforcement personnel operating the vehicle.

POLICY:

1. High speed, emergency response driving can present a danger to the lives of the public and police officers. It is therefore, the responsibility of the Worcester Police Department to assist police officers in the safe performance of their duties with regard to vehicle operations during these emergency situations.
2. In order to fulfill these obligations, it shall be the policy of the Worcester Police Department to regulate the manner in which emergency operation is undertaken and performed.

DEFINITIONS:

1. *Emergency response driving in non-pursuit driving situations:* The operation of an authorized emergency police vehicle in operation by a police officer in response to a life threatening or a violent crime in progress, using due regard for the safety of others.
2. *Emergency police vehicle:* A vehicle of the Worcester Police Department that is equipped with operable emergency equipment as designated by state law.
3. *Emergency response:*
 - a. When a situation involves imminent potential for serious injuries or death to persons.
 - b. When there is, or there is a threat of, a potential crime of violence.
 - c. When there is, or there is a potential threat of, a serious public hazard.

PROCEDURES:

1. Officers engaged in an emergency response situation are not relieved from the duty to drive with due regard for the safety of all person.
2. The operation of a police vehicle, when utilized as an emergency vehicle, is governed by MGL C89 S7B which states in whole:

“The driver of a vehicle of a fire, police or recognized protective department and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in **an emergency and while in performance of a public duty** or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit **if he exercises caution and due regard under the circumstances for the safety of persons and property**, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if **he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property**, unless otherwise directed by a police officer regulating traffic at such intersection. The driver of any such approaching emergency vehicle shall comply with the provisions of section fourteen of chapter ninety when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing.”

3. When deciding to initiate or continue driving under emergency conditions, officers shall drive with due regard for the safety of all persons. Consideration must be given to:
 - a. Urgency of the situation
 - b. Weather and roadway conditions
 - c. Visibility
 - d. Volume and speed of other vehicle traffic
 - e. Ability to control the vehicle at the speed driven
 - f. Whether or not the vehicle is equipped with emergency lights and siren.
 - g. Condition of the vehicle
4. During emergency response operation of emergency vehicles, and after receiving all pertinent information regarding a call for service, officers shall consider such factors as articulated in Paragraph 3 above and determine the appropriate response actions
5. It is highly recommended that officers responding to emergency situations activate emergency lights and/or siren, however, there may be situations in which doing so may not be necessary or required.
 - a. In the following situations, it is highly encouraged that the emergency lights and siren be activated:
 - i. When operating within an intersection contrary to traffic control sign and signals;
 - ii. When traveling in excess of the speed limit;
 - b. In the following situation, emergency lights and sirens may not be used, at the discretion of the responding officer:

- i. When officer safety may be compromised
- ii. When emergency lights and siren may trigger panic in a suspect which could result in violence toward the public and/or hostage taking.
- iii. When doing so may facilitate emergency response operation without compromising public safety.
 1. In the event that emergency lights and/or siren are not used in emergency response situations, the responding officer should adjust his/her operation accordingly to account for the public's inability to hear or see the emergency response vehicle.
6. Officers responding to emergency situations may exceed the speed limit if traffic conditions permit such speeds without causing unreasonable risk, taking into consideration those factors articulated in Paragraph 3 above.
7. Officers are discouraged from passing to the right of a vehicle in traffic during an emergency response. However, there may be situations where passing to the right may be necessary and/or passing to the left may not be practical. In those situations officers should anticipate the possibility of a citizen's vehicles moving suddenly to the right and in front of the police vehicle, and pass with caution, and with due regard for safety.
8. In the event of an equipment failure that could result in the unsafe operation of the patrol vehicle during an emergency response mode, such emergency response mode shall be terminated.
9. Officers with any passenger (recruits, civilian riders, etc.) other than another police officer, shall operate a police vehicle in emergency status with due regard for the law and safety of the passenger and the public.
10. Officers should be aware of the need for tactical control of any emergency scene, and as such, should take precaution not to place themselves or others in harm's way. Officers should park in a manner that facilitates the movement of other emergency vehicles, and at the same time allows for control of the scene. Care should be taken not to park directly in front of a scene or in driveways unless absolutely necessary. Rather, to maintain the element of surprise and reduce the potential for ambush, officers should park a sufficient distance prior to arriving at the incident site and approach the remaining distance on foot.
11. As soon as practical, officers will notify the dispatcher of the nature of any situation upon their arrival.
12. Police vehicles will be parked at the scene of an emergency situation so that other emergency vehicles will have access to the scene.

Per:



Gary J. Gemme
Chief of Police