

# CHARLOTTESVILLE POLICE DEPARTMENT



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Type of Directive: GENERAL ORDER	Number: 77-99
<b>EMERGENCY OPERATION OF POLICE VEHICLES</b>	Date: June 19, 2018
VLEPSC Number: OPR.01.01 thru OPR.01.04, OPR.01.09, OPR.07.09	Manual Number: 541.25
	Effective Date: 06/19/18
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

## I. POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons. Members of the department who operate department vehicles will strictly adhere to existing state and local statutes and this policy. Particular attention will be focused on responding to calls for service. Officers engaged in emergency vehicle operations shall utilize both the audible (siren) and visual (emergency lights) emergency warning equipment while engaged in response to emergency calls for service in accordance with 46.2-920 of the Code of Virginia.

## II. PURPOSE

To establish guidelines governing the operation of police vehicles, with special attention to response to emergency calls for service.

## III. DEFINITIONS

A. ECC- Emergency Communications Center

B. ECC Priority 1- Requires the immediate presence of police due to imminent threat to life or of serious injury, potential for significant property damage, or serious disruption of the peace. An emergency response is generally explained by ECC.

C. ECC Priority 2- Requires the presence of police as soon as possible. An emergency response is at the discretion of the officer.

D. ECC Priority 3- Does not require the immediate presence of police, but response when a unit is available. No emergency is response is required.

E. *Emergency Response* – a situation in which the physical safety and the well being of an individual is directly jeopardized.

IV. Applicable Virginia Law

§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or
7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle

displays a flashing, blinking, or alternating emergency light or lights as provided in §§ [46.2-1022](#) and [46.2-1023](#) and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ [46.2-1022](#) and [46.2-1023](#) and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § [46.2-368](#). Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer;

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § [46.2-1029.2](#); and

8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § [46.2-882](#), or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or
5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

#### IV. PROCEDURE

When an officer is assigned calls for service, the following response guidelines shall be used: Priority 1, Priority 2 and Priority 3. Priorities are determined by ECC in accordance with their policy.

##### A. ECC Priority 1 (Emergency Response)

1. Includes all calls that meet the following ECC criteria:
  - a. there is imminent threat to life or of serious injury;
  - b. the incident is violent or involves a weapon; the incident has the potential to become violent;
  - c. the suspect in a serious incident is still on the scene or in the immediate area;
  - d. there is potential for significant property damage; and/or
  - e. the incident may cause serious disruption of the peace.
  - f. ECC Priority 1 calls may be in progress or may have just occurred.
    - i. ECC Priority 1 calls that already have occurred may include incidents where evidence may be disturbed or lost without immediate response.
    - ii. ECC Priority 1 calls may include but are not limited to murder, rape, aggravated assault, assaults in progress, motor vehicle accidents with personal injury, shots fired, officer needs assistance, any threats involving weapons, missing juveniles under age 10, bomb threats, major fires and vicious animals that pose a direct threat to life.
2. Emergency response is the activation of emergency equipment traveling at the maximum safe speed taking into consideration time of day, traffic

volume, and road and weather conditions. During emergency response officers may disregard traffic laws in accordance with and limited to the Code of Virginia 46.2-920 and departmental policy.

B. ECC Priority 2 (Immediate Response)

1. ECC Priority 2 calls include other crimes in progress or that have just occurred that do not meet the criteria listed for ECC Priority 1.
2. An immediate response may require activation of emergency equipment. Officers responding to ECC Priority 2 calls respond in emergency mode at their discretion based on the likelihood of injury or of violence.

C. ECC Priority 3 (Standard Response)

1. ECC Priority 3 calls do not require the immediate response of police; however, the Shift Commander will be notified immediately if a call must be held until a unit is available.
2. Standard response is a response that does not require an immediate police presence and does not require the activation of emergency equipment. Officers responding to Priority 3 calls will obey all traffic laws.

D. Shift Commanders can, at their discretion, alter priorities as assigned by ECC.

E. Non-Emergency and Emergency Response to Calls for Service.

1. Police officers shall respond to non-emergency assignment or incidents in a safe, expeditious manner. The highly visible nature of marked police vehicles makes it imperative that officers always operate them in a safe, courteous manner while obeying traffic laws and ordinances. Officers are reminded that they must comply with traffic laws or ordinances unless they are operating under emergency conditions in accordance with Virginia code section 46.2.920. (See paragraph B, below)
2. Emergency operation of a vehicle is justified when the immediate presence of a police officer is required in order to protect a person from possible death or injury, or where pursuit to stop a vehicle is deemed necessary due to the nature of the violation or suspected violation by the driver or occupants. While operating a police unit under such emergency conditions, officers may disregard certain traffic regulations as authorized by 46.2-920, in the Code of Virginia. (See paragraph B, below) Nothing shall be construed to release the operator of such vehicle from civil liability for failure to use reasonable care in such operation. The safety of the public and the police officer must be the primary concern in

emergency and pursuit responses.

3. Members of the Department who operate department vehicles and the passengers of Department vehicles will use the safety restraining devices in the vehicles, except under the provisions listed in 46.2-1094 of the Code of Virginia. Safety restraining devices will always be worn when operating departmental vehicles under emergency response conditions.

#### F. Response Procedures to Emergency Calls

1. An officer shall exercise reasonable care, using a due regard for the safety of the public and the officer. Some factors to consider when responding to an emergency assignment are; weather road conditions, time of day, location of pursuit, pedestrian and vehicular traffic, etc. This directive establishes that the police vans shall continue to obey the posted speed limit.
2. While operating as an emergency vehicle, which can be marked or unmarked vehicles, an officer is temporarily relieved of the obligation to comply with certain traffic regulations (with due regard to the safety of persons and property); however, both the siren and emergency light(s) must be operational and continuously activated. The use of either the emergency light(s) or siren alone does not qualify the vehicle as an emergency vehicle. Alternately flashing headlights, as described in 46.2-1029.1, in the Code of Virginia, may also be used during emergency response except when the use of headlights are required by 46.2-1030. Each officer should familiarize himself with the specific traffic laws that are listed with VA Code 46.2-290.
3. All units responding to an in progress call (e.g. robbery burglary, etc), prior to coming within hearing or sight distance of the location may consider discontinuing the use of siren, emergency lights, or both, if continuing activation might jeopardize the safety of any person (including the responding officers) or property, or might otherwise jeopardize the success of the police response to the call. Officers shall keep in mind; however, that turning off either the siren or emergency lights will require the vehicle to be operated in accordance with all traffic laws.
4. Four-way emergency flashers shall not be used as emergency response equipment on any police vehicles, marked or unmarked, during an emergency response. Activation of four-way flashers prevents the use of turn signals and therefore could confuse other motorists during emergency responses.

5. All department vehicles responding to emergency calls or responding to the area to assist shall maintain radio communication with the Emergency Communication Center.
6. The driver of the police vehicle should have the driver's side window down far enough to hear other sirens and traffic warning signals.
7. Police vehicles should yield to all ambulances and fire equipment operating under emergency conditions.
8. Police vehicles shall yield to school buses stopping or stopped for the purpose of discharging or picking up students. The officer shall remain stopped until such time as the driver of the school bus has assured him/her that it is safe to proceed. The officer will check to make sure no students are about to cross or who is in a position that would endanger them should the emergency vehicle proceed.