

CODE 3 EMERGENCY VEHICLE OPERATIONS

AUTHORITY

California Code Sections:

California Penal Code Sections 830.5, 13519.8

California Vehicle Code Sections 14602.1, 17004, 17004.7, 21055, 21056, 21057, 21806, 21807

Government Code Section 8558

Related Probation Officer Policies:

IV21 Emergency Aid Requests Protocol

IV23 Officer Involved Critical Incident Protocol

IV27 Peace Officer Authority

IV32 Department (County) Vehicles

IV33 Safety, Uncooperative Clientele, and Threats

Related Probation Officer Procedures:

E7 Use of the Portable and Hand Held Radio

E9 Transportation of Offenders

F2 Use of Force

INTRODUCTION

Probation officers must take all necessary care to drive as safely as possible at all times. Officers who take the Emergency Vehicle Operations Course (EVOC) promote safe driving practices and establish good defensive driving tactics. EVOC teaches safe driving while operating under less than ideal situations. EVOC also discusses the legal liabilities when operating a vehicle, particularly in an emergency response circumstance.

Many of the vehicles assigned to the field divisions are equipped with emergency lights and sirens. The purpose of this procedure is to discuss the situations when probation officers can use emergency lights and sirens on these vehicles. Emergency lights and sirens shall not be used by a probation officer until the completion of EVOC. However, all probation department staff are authorized to operate these vehicles in the course of duty; they simply cannot engage the emergency lights and sirens without appropriate training.

LIABILITY

The use of emergency lights and sirens (and the accompanying exceptions to the ordinary driving laws), during the response to emergency situations, exposes the public, probation officers, and fleeing violators to the risk of damage to property, serious injury, or death. The use of emergency lights and sirens during emergency response is authorized under Vehicle Code Sections 21055 and 21806. However, pursuant to Vehicle Code Sections 21056 and 21807, an officer is not relieved of the duty to drive with due regard for the safety of persons and property while using emergency equipment. An emergency response that ends in injury to another person, or damage to a vehicle or property, could subject the probation officer to civil and

criminal liability and could result in disciplinary action up to and including termination of employment.

TRAINING

Probation Officers will complete a POST or STC certified EVOC. Probation officers will participate in annual training to address this procedure, the importance of protection of the public, the need to balance the risks of the offender and the need for immediate capture against the risks to officers and the public in apprehension, and the factors necessary to begin and terminate an emergency response.

PROTOCOL FOR USING EMERGENCY LIGHTS AND SIRENS

Pursuant to Vehicle Code Section 21055, an officer must use lights and sirens under the following circumstances:

- If the vehicle is being driven in response to an emergency call.
- If the officer is engaged in rescue operations.
- If the officer is in the immediate pursuit of an actual or suspected violator of the law.
- If the officer is responding to, but not returning from, a fire alarm.

In the above circumstances, pursuant to Vehicle Code Section 21806, the officer must use emergency sounds (vehicle sirens) and lights (at minimum, a red light), visible from the front, as a warning to other drivers and pedestrians. Under no other circumstances is an officer authorized to use the vehicle siren only. **Although allowable per the Vehicle Code listed above, “pursuits” and “traffic stops” are not authorized by the Department.**

CODE 3 EMERGENCY RESPONSE

A “CODE 3” response is defined as an emergency response determined by factors such as immediate danger to officer or public safety that require an expedited priority response utilizing lights and sirens. Examples may include, but are not limited to an officer’s radio request for:

1. “10-35” (emergency – officer needs help),
2. “11-99” (officer needs emergency assistance – life threatening),
3. “CODE 3 cover” (officer needs a cover unit in an emergency situation),
4. “Signal 88” (armed intruder on school campus), or
5. A law enforcement agency requested assistance with a fire.

Before responding, “CODE 3,” the probation officer’s proximity to the location must be considered.

APPREHENSION/ARREST OF SUBJECT

Probation officers must consider Probation Officer Procedures section F2, Use of Force, and E9, Transportation of Offenders, if apprehension/arrest of a subject is necessary. Probation Officer’s shall not respond “CODE 3” if they are already transporting an arrested/detained subject.

CHECK OF EMERGENCY EQUIPMENT

Prior to taking a vehicle in the field, the EVOC-trained probation officer shall conduct a check to ensure the vehicle is in proper working order and all lights and sirens are functioning. If the

lights and sirens are not functioning, the vehicle should not be used and the probation officer shall notify the Probation Department's Fleet Coordinator.

STATE OF EMERGENCY

During a declared state of emergency, probation officers are prohibited from using a siren or driving at an illegal speed when serving as an escort of any vehicle except when the escort is for the preservation of life or when expediting movement of supplies and personnel for any federal, state, or local government agency during a national emergency, or state of war emergency, or state of emergency, or local emergency as defined in Section 8558 of the Government Code (21057 VC). Emergency lights may be activated when responding to emergency calls during a state emergency under the above codes.