

LITTLETON POLICE DEPARTMENT

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POLICY #: 20-4

SUBJECT: Emergency Vehicle Response

Last Revision Date: July, 2020

NOTE: This written directive is for the internal governance of the Littleton Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

POLICY:

All personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its personnel to demonstrate exemplary driving behavior. All personnel will comply with safe driving procedures outlined herein, with particular attention to responding to calls for service. Emergency warning devices shall be used on emergency runs consistent with legal requirements, the safety of the public, and of police personnel.

In certain emergencies, the motor vehicle code of New Hampshire authorizes disregard of traffic regulations however, neither the operator nor the department are released from civil liability for failure to use reasonable care in such operation. Improper driving can inflict harm or injury to the other drivers, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the department and law enforcement generally. It is expected that all personnel will conform to the guidelines in this area.

PURPOSE:

The purpose of this general order is to establish procedures governing the operation of police vehicles, with special attention to emergencies.

DEFINITIONS:

- A. **Normal patrol:** Driving at speeds consistent with the normal flow of traffic, in obedience to motor vehicle law and speed limits.
- B. **Vehicular pursuit:** An active attempt to stop a moving vehicle when the driver of such vehicle is resisting apprehension by maintaining or increasing speed, or by ignoring the officer's attempt to stop him/her.
- C. **Emergency:** Any active situation involving a threat to the safety or life of any person or the potential of catastrophic property damage.

- D. **Emergency driving**: Traveling in response to an emergency, or in the pursuit or apprehension of actual or suspected violators of the law including, but not limited to, situations where the officer utilizes any exemption from the motor vehicle laws granted to emergency vehicles.
- E. **Emergency Equipment**: Emergency lights as regulated by RSA 266:74 and/or siren.
- F. **Personally-owned vehicle**: Any vehicle used by a law enforcement officer acting under color of law either on duty or off duty when the vehicle is not owned, equipped, and insured by the law enforcement agency employing the officer.

PROCEDURES FOR RESPONSES:

A. General:

1. All department vehicles shall be driven safely and courteously in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets, and the actions of police drivers are observed by all.
2. In emergencies defined in this policy, motor vehicle laws authorize certain exemptions from the rules of the road; however, neither the driver nor the department are released from responsibility to use reasonable care in such operation nor from any reckless behavior.
 - a) The emergency vehicle *exemptions* “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 “protect the driver from the consequences of his/her reckless disregard for the safety of others” nor from “the duty to exercise due care to avoid colliding with any pedestrian.”
 - b) Improper driving can result in harm or injury to you or another, civil damages, departmental discipline up to and including dismissal, and harm the image of the department and of the profession.

B. Collisions Involving Police Vehicles; Vehicle Markings.

1. In case of collisions or damage to any police vehicle or to other persons or property, resulting from the movement of a police vehicle or its load, the driver of the police vehicle shall forthwith request the on-duty supervisor to notify the New Hampshire State Police in order to conduct an investigation, which shall be reported on a State Motor Vehicle Accident Report form.
 - a) The driver shall also submit a report to the Chief of Police or Deputy Chief of Police describing the circumstances of the incident in complete detail.

- b) If there is probable cause to believe the driver has committed a criminal act, the provisions of Miranda v. Arizona or Garrity V. New Jersey as applicable, shall apply.
 - c) If the collision results in death, or the removal of any person from the scene by ambulance, the investigating officer shall request a representative from the New Hampshire State Police to conduct the accident investigation.
 - d) Whenever an officer is involved in a cruiser collision, the ranking officer at the scene, if there is reason to believe the involved officer has consumed alcoholic beverages or controlled drugs, shall request that a sufficient sample of the officer's blood be drawn to facilitate laboratory testing, or that the officer be tested on the Intoximeter, and in the case of suspected drug use, submit to an examination of physical symptoms by a certified Drug Recognition Expert or medical personnel.
 - e) No officer shall refuse to provide such a sample upon request of the ranking officer at the scene, except that if there is probable cause to believe the officer has committed a criminal act, the provisions of RSA 265:85 shall apply.
2. Vehicle markings. Each vehicle used in patrol service shall be marked identifying it as a police vehicle to increase safety, serve as a deterrent to potential violators, and provide citizens with assurance that the vehicle that is stopping them is a police vehicle.
 3. Unmarked vehicles may be used for special assignments such as surveillance, spotting aggressive drivers, or plainclothes or administrative purposes, or if a marked unit is temporarily out of service. If used for emergency runs, they shall be equipped with wig-way alternating headlamps, blue emergency lights visible from the front, rear and side when activated, and sirens. Unmarked vehicles shall not be used for emergency runs or pursuits except when a marked unit is not immediately available or additional assistance is required and the seriousness of the situation is such that the overriding public interest requires the immediate response. Officers responding in an unmarked vehicle shall be aware of the vehicle's lesser conspicuity than a marked unit, and adjust their driving accordingly.
 4. Personally owned vehicles shall not be used for any emergency response which requires utilizing any of the emergency vehicle exemptions provided in the motor vehicle code. They may only proceed at legal speeds and in full conformity to all motor vehicle laws and regulations.
 5. Marked police vehicles shall be equipped with blue colored flashing, rotating, or pulsating 360-degree of lights, or low profile lights mounted in both the grille and rear deck, plus flashing emergency lights for the four corners of the vehicle.

6. Emergency lights and siren shall be in operation whenever it is necessary to alert other traffic, if the vehicle is responding to calls in such a manner as to exercise any of the emergency vehicle exemptions in RSA 265:8. Emergency lights shall also be in operation whenever the vehicle is parked in such a manner as to exercise these exemptions or to protect a scene.
7. In cruisers equipped with alley lights and spotlights, these lights shall not be used in such a manner as to blind or interfere with the vision of drivers of oncoming vehicles.

C. Safety Belts

1. The driver shall wear safety belts and shoulder straps and all passengers in police vehicles at all times. The only exception(s) to passengers NOT wearing safety belts is outlined in the Prisoner Transport policy.
2. When it is necessary to transport children, child safety seats or other appropriate equipment shall be brought to the scene or borrowed at the scene, or brought to a safe stopping point away from a hazardous scene.

D. Pre-Trip Inspection

1. Drivers shall complete a pre-trip inspection of the vehicle, including its emergency warning devices when coming on duty, unless an emergency call prevents this, in which case the inspection shall be made as soon as the call has been completed. The inspection shall include visual and manual checks of each item on the Department's pre-trip inspection form. Any deficiency, which could affect the safe operation of the vehicle, shall be reported immediately to a supervisor, and officers shall not drive a vehicle that appears unsafe.
2. Officers shall examine their vehicles at the beginning and end of each shift for evidence of prior damage and for evidence, contraband, or property discarded by prisoners and others. The vehicle shall also be inspected following each prisoner transport for the same reasons.
3. If vehicle damage results from abuse or neglect caused by an officer, disciplinary action may result.

E. Normal Driving Rules.

1. All motor vehicle laws and regulations shall be complied with.
2. Drivers shall exercise careful observation when backing or turning the vehicle.
3. Persons shall not modify, deactivate, or otherwise tamper with any vehicle safety or emissions device, or any part of the vehicle that affects its safe operation.

4. Police vehicles shall not be left unattended with the engine running unless the doors are locked, or an anti-theft device is activated.

RESPONSE TO EMERGENCY CALLS:

General. Emergency driving is permissible only when authorized by State law.

1. No fixed rule can apply to every circumstance that may require emergency driving. Although officers may receive information that leads them to respond to a call on an emergency basis, the officer may discover enroute, as additional information comes in, that the call may be downgraded for a slower response. Conversely, a situation may worsen while the officer is responding and require an upgraded response. Upon notification that an emergency response has been canceled or the circumstances warranting an emergency response no longer exists, the warning devices shall be turned off and the response continued at legal speeds.
 - a) Emergency responses should not be made at speeds in excess of what is prudent under existing conditions, nor at more than 20 mph in excess of the posted speed, whichever is the lesser, unless the call involves a grievous threat to human life greater than the risk posed by the rapid response.
2. Drivers on emergency calls shall not drive faster than speeds which provide due regard for safety, and shall drive at appropriate reduced speeds when weather, road, or traffic conditions adversely affect vehicle control. Officers shall familiarize themselves with the provisions of RSA 259:28, 265:8, 265:33, 265:61, 266:73 and 266:74 and this general order.
3. The nature of some crimes in progress calls may call for the use of the siren and emergency lights to be suspended upon close approach to the scene, for officer safety reasons. If this is done, the vehicle shall continue the run at an appropriate reduced speed.
4. Upon approaching a controlled intersection or other location where there is a potential collision hazard, the emergency vehicle shall proceed with caution at an appropriate reduced speed, and not go through a stop sign or red light without first either stopping or slowing to the point where the driver is sure the way is clear and no collision is likely before proceeding. When approaching a stopped school bus from either direction, the driver of the emergency vehicle shall first stop, and only proceed cautiously if it is clearly safe to do so.
5. Cruisers responding to emergencies shall not pass other cruisers or emergency vehicles without justification, and only upon notification by radio to the other vehicle where possible. Slow-moving fire trucks or ambulances climbing hills may be passed only if it can be done legally and safely.

6. Traffic laws which require other vehicles to yield to emergency vehicles require that the motorist be alert and receive a warning in time to react. Visibility and hearing are limited by terrain, weather conditions, and whether or not the other driver has their windows closed, stereo volume turned up, etc. It is best to assume that the other driver has not seen or heard your warning devices, or may react suddenly and inappropriately, and to proceed accordingly.
7. Officers should avoid escorting other emergency vehicles or “convoying” behind another emergency vehicle. Vehicles which have stopped for the first vehicle may assume the way is now clear and pull out in front of subsequent emergency vehicles.
8. It is best to provide directions, stationary traffic control at intersections, and advise the use of ambulances by persons being transported in private vehicles. Officers have no legal right to authorize private vehicles to violate the motor vehicle laws. Only under extreme life-threatening emergencies should an escort be provided, and then not in excess of a reasonable and prudent speed.
9. When using the cruiser to protect a scene, the police vehicle shall be parked so as to provide protection while providing as little an obstacle or hazard to other traffic as possible. Emergency lights shall be in operation, along with hazard flashers to warn other drivers. Where hills, curves, or other terrain obstruct viewing distances, take this into consideration in positioning the cruiser far enough away from the scene so that oncoming drivers have time and distance to react.

Response Codes.

This section provides guidelines for officers and dispatchers in characterizing the degree of urgency and type of driving to be used in response to various calls for service.

1. **Code One:** These calls are not urgent, but shall be completed at legal speeds without delay. All traffic laws shall be complied with.
2. **Code Two:** Urgent, but not life-threatening emergencies. No emergency lights or siren shall be used. Responses shall be immediate, and as rapid as practical without violating the rules of the road or exceeding legal speeds. Examples would be crimes where the suspect has left the scene, and there is no medical emergency, backup requests, where an officer is requesting additional officer presence at the scene, but there is no immediate threat, noisy gatherings, etc.
3. **Code Three:** These warrant emergency driving responses, with lights and siren, due to imminent threat to life and limb or catastrophic property damage. Examples would include, but not be limited to, a traffic crash with serious injury, an officer needs help call, an assault or robbery in progress, an armed criminal, riot, medical emergency, fire in an occupied structure, etc.

4. Officers are responsible for the response code used in any response, unless the dispatcher or a supervisor has assigned a different response code.
 - a) If a response code has been assigned and the officer feels it is inappropriate or circumstances have changed, the officer shall request permission to upgrade or downgrade the code and give the reasons justifying the request.
 - b) Upon receiving a call with a response code, officers shall include in their radio acknowledgment the response code being used.
 - c) Upon arrival at the scene, the officer shall evaluate and report the need for additional officers, and recommend the response code they should use.
 - d) When an officer encounters a situation in the field where it comes to his/ her attention that an emergency exists, the officer may initiate an appropriate response code and call dispatch to report that he/she is responding. If a supervisor orders a different response code, that order shall be complied with.
 - e) Where dispatchers assign response codes, the dispatcher shall obtain sufficient facts to assist in determining the priority of the response, including whether the perpetrator is still on the scene and armed, whether an assault is continuing, if a hostage situation exists, the condition of the victim, description and direction of travel of fleeing suspects, etc.

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