

Rules and Procedures

Rule 302

April 29, 2013

Rule 302 - EMERGENCY DRIVING

Sec. 1. Introduction:

The Department and its members are bound to respond to requests for assistance for service with as much dispatch as is reasonably possible. Emergency driving enables the police officer to respond more quickly than would normally be feasible to situations where a speedy response is a critical necessity. However, such driving and the hazards it entails should occur only when clearly justified by the nature of the need for service and made necessary by conditions at hand that, without the use of emergency driving, would tend to render the police response ineffective. Every effort must be taken to ensure the safety of the public, as well as Department members, at all times. The benefits of a quick response – while important to the public – can be lost instantly if the risks associated with that response results in an aborted effort.

Sec. 2. Purpose:

This rule is issued to establish guidelines and regulations for emergency driving of authorized police emergency vehicles other than in pursuit situations. It is effective immediately, superseding all previously issued rules, regulations, orders, and other directives related to emergency driving.

The following rule is established so that all sworn personnel operating authorized Boston Police Department vehicles exercise due caution and due regard when engaging in an emergency driving situation. Only sworn personnel will operate Departmental vehicles in an emergency mode. It is recognized that “emergency driving” can become “pursuit driving” in a short amount of time and that officers need to react and operate vehicles accordingly, but never at the expense of safety. [See Rule 301 - Pursuit Driving.]

Sec. 3. Definitions:

For the purpose of this rule, the following definitions will apply:

Sec. 3.1. Authorized Police Emergency Vehicle: includes Department cruisers, motorcycles, prisoner wagons, trucks, SUVs, Harbor Patrol water vessels, and any other mode of transportation recognized as a vehicle by the Massachusetts Registry of Motor Vehicles that are equipped with lights and sirens.

Sec. 3.2. Code 3: Designation for emergency driving, using emergency lights and siren.

Sec. 3.3. Emergency Driving: refers to operation of an authorized police emergency vehicle, other than in pursuit, in excess of the legal speed limit and/or contrary to traffic signs and signals, with lights and sirens activated.

Sec. 3.4. Priority One Call: Calls for service in this category indicate that a police presence is needed at the scene of an incident. Immediate response to these calls is critical. Conditions that will define a call for service as a Priority One are:

- § Any apparent threat of life, any danger of serious physical injury, any major property damage, or any incident that may result in the same;
- § Any active felony or violent misdemeanor, or active incident that may result in either serious physical injury or major property damage or loss and any felony or violent misdemeanor that recently occurred (within 15 minutes), and there is a probability that a suspect(s) may be apprehended;
- § Any serious injury or illness that may result in substantial physical harm if police assistance is delayed;
- § Any domestic violence incident; or
- § Any incident involving exigent or unique circumstances that demands an immediate police response (i.e., sniper, explosive device, gas leak).

Sec. 3.5. Priority Two Call: Calls for service in this category indicate that a police presence is needed at the scene, but unlike a Priority One call, an immediate response is not critical. Conditions that would classify a call for service as a Priority Two call are:

- § Any recent or active crime or incident that does not represent a significant threat to life and property, including but not limited to, a felony which has just occurred but without injury to the victim and the suspect(s) has fled the scene (longer than fifteen minutes);
- § Any in-progress incident that could be classified as a possible crime (e.g., suspicious person or vehicle, prowler);
- § Any property damage incident that represents a significant hazard to the free flow of traffic; or
- § Any incident that would require a prompt, but non-emergency response.

Sec. 3.6. Priority Three or Lower Call: Calls for service in these categories indicate that some type of police response is needed but could be delayed for a period of time without adverse effect. Conditions that would classify a call for service as a Priority Three or lower priority call (priority 4-9) are:

- § Any non-active crime or incident that does not require an immediate investigation (i.e., a B&E that was not recently committed, but which is being reported at this time);
- § Any incident that involved non-emergency and/or non-criminal services; or
- § Any other incident that is no longer active, yet due to its nature, cannot be responded to by phone.

Sec. 4. Operation of Emergency Vehicles Law:

Sec. 4.1. Legal Considerations: Chapter 89, Section 7B of the Massachusetts General Laws, Operation of Emergency Vehicles, states that:

"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.**" *(emphasis added)*

NOTE: Officers should take all necessary precaution to avoid operating a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If, however, facts and circumstances present themselves to require either action, the officer must be able to justify their actions and show that all possible safety for the public was taken into account. Officers should also be aware that the majority of Department motor vehicle accidents occur in intersections and with this in mind officers should use extreme caution while navigating through intersections.

Sec. 4.2. Examples of allowable emergency driving tactics. While officers shall exercise the utmost caution when entering any intersection, regardless of controls and signals, while

engaged in emergency driving, the following are examples of allowable emergency driving tactics:

- § Passing a red stop signal or stop sign only after coming to a FULL STOP as required by statute.
- § When entering a multi-lane intersection against a red stop signal or stop sign, proceeding through the intersection one lane at a time.
- § Slowing down at all other intersections and yield signs, proceeding only when the intersection is safe to enter.

Sec. 5. Emergency Driving Response to Calls for Service:

Sec. 5.1. Responsibilities of Officers:

Sec. 5.1.1. Priority One. An officer receiving a Priority One call for service may utilize emergency driving after acknowledging receipt of the call to the Dispatcher.

Sec. 5.1.2. Priority Two and lower. An officer receiving a Priority Two or lower call for service may utilize emergency driving, but must communicate this intention to use emergency driving to the Dispatcher by indicating that they are responding "Code 3".

Sec. 5.1.3. Self Initiated Call for Service. It is understood that an officer may temporarily use emergency driving (particularly lights and sirens) for traffic stops as well as during "on-site" incidents. In these cases, it is not necessary for the officer to communicate the use of lights and sirens to the Dispatcher. If however, the temporary emergency driving turns into "pursuit driving," the officer will immediately notify dispatch and follow the procedures outlined in Rule 301.

Sec. 5.2. Responsibilities of the Dispatcher:

It is the responsibility of the Dispatcher in such situations to:

1. State the Priority Level of the call;
2. Make the officer aware of any unusual or hazardous traffic conditions reported in the area; and
3. Make the officer aware of any risks or additional details that might impact officer safety, as well as any changes in circumstances.

Sec. 5.3. Responsibilities of Supervisor. Supervisors in the field shall monitor all dispatched Priority One calls to which their officers are dispatched to ensure the response strikes a balance between the priority of the call and the risks to the public and responding officer(s).

Sec. 5.4. Upgrading/Downgrading Emergency Response: An emergency response may be upgraded or downgraded by the responding officer, the Patrol Supervisor, or the Dispatcher. Any disagreement as to the level of response shall be resolved by the highest ranking officer. In the event of a disagreement between district's Patrol Supervisor/ Duty Supervisor and the Operations Duty Supervisor, the judgment of the Operations Duty Supervisor shall prevail.

Sec. 5.4.1. Upgrading / Downgrading by Officer: Anytime an officer elects to engage in emergency driving when responding to a lower priority call, the elevated response and the reason justifying it shall be articulated to the Dispatcher. Dispatchers can then direct an appropriate response level and number of officers. This also offers the appropriate supervisor the opportunity to weigh in on the appropriateness of response. Any downgrading of a call by an officer because of information he/she possesses, should also be transmitted to the Dispatcher.

Sec. 5.4.2. Upgrading / Downgrading by Supervisor: Supervisors should authorize adjustments to the response if conditions known to the supervisor about the call (traffic, weather, etc.) justify upgrading or downgrading the response. Supervisors should continue to monitor the call and further adjust the response, as needed as the call evolves, and ensure responders arrive or terminate response as directed.

Sec. 5.4.3. Upgrading / Downgrading by Dispatcher: Dispatchers should be guided by several considerations as they determine the appropriateness of a modified response level. Public and officer safety are paramount when making these decisions. It is the Dispatcher's obligation to convey information to responders and supervisors about risks, weapons, suspects and other details that impact officer safety. This information will also help officers determine the actual exigency of the call. The Dispatcher must consider the following prior to making a decision on whether to upgrade or downgrade the response:

- § Are violent acts ongoing?
- § Is there still an immediate threat of danger?
- § Are suspects still on the scene?
- § Are the identities of suspects known?

Sec. 5.5. Suspension of Emergency Driving: If an officer using emergency driving in response to a call for service is notified by the Dispatcher or supervisor that his/her emergency response is no longer authorized, he/she shall cease emergency driving immediately and proceed within the legal speed limit and in compliance with the rules of the road, without lights or sirens activated. Emergency response discontinuance can be ordered by the officers responsible for the call, the Dispatcher or the field supervisor. Any momentary disagreement should be resolved by the field supervisor. If at any time during an emergency response, an officer determines a tactical advantage would be gained by turning off lights and sirens, the officer must obey all traffic laws.

Sec. 5.6. Occupied Vehicle: Officers shall not engage in emergency driving if the authorized police emergency vehicle is occupied by any person(s) other than sworn or otherwise authorized law enforcement personnel.

Sec. 6. Weather and Environmental Conditions:

The officer engaged in emergency driving must be constantly aware of environmental, weather and traffic conditions and their effect upon the propriety of high speed operation. His/her speed and the general manner in which he/she operates the emergency vehicle must reflect cognizance of such conditions. An officer shall terminate emergency driving in the event that he/she can no longer control the situation, or the speed of emergency operations in relation to road conditions, or when the risk to citizens outweighs the urgency of the emergency. After terminating emergency driving for reasons stated in this section the officer(s) shall immediately notify the Dispatcher.

Sec. 7. Deference to Other Emergency Vehicles:

An officer not engaged in emergency driving shall yield to another emergency response unit (i.e. fire, ambulance) that is in emergency response mode. While in emergency operation, an officer shall not pass another emergency response unit that is making an emergency run in the same direction as the officer, unless the operator of the first vehicle pulls over and yields for the officer to proceed.

Sec. 8. Training:

The Academy shall maintain and update the emergency driving curriculum. All sworn personnel shall complete the training curriculum.

Edward F. Davis
Police Commissioner