

City Vehicles		
	Emergency Response & Code 3 Driving	Order 07.103

A. Policy

Members of the Tempe Police Department are required to operate police vehicles in a manner which provides effective police services. The safety of motorists and the public outweigh the need to disregard traffic laws while driving; notably during emergency response.

B. Definitions

1. Code 3 Emergency Response / Emergency Driving: The operation of a police vehicle while continuously utilizing the siren and all available emergency lights to expedite arrival.
2. Due Regard: The driver of an authorized emergency vehicle has the duty to operate the vehicle with reasonable care, attention, and safety for all persons. There is no protection from the consequences of any driver found to have reckless disregard for the safety of others while engaged in a pursuit, or emergency driving, even with lights and/or siren activated.
3. Negligence: With respect to a result or to a circumstance described by a statute defining an offense, that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. (ARS § 13-105.10.d)
4. Preemption: Equipment and a light programmed to cycle equipped traffic signal lights from red to green (or hold them green) upon approach to an intersection.
 - A "PRE EMPT" button located on the emergency light console may be used to open gates equipped with the preemption technology.
5. Priority 0 Response: A technique to increase in-progress crime suspect apprehension where all available sworn Tempe police units respond to an in-

progress call for service, at the direction of a supervisor. Priority 0 response is not Code 3 emergency response.

6. Recklessly / Reckless: With respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. (ARS § 13-105.10.c)

C. General Considerations

1. Both Code 3 emergency response and Priority 0 response will be done in accordance with ARS, including but not limited to § 28-624, and department policy.
 - A mandatory condition that supports the authorization for emergency driving is that the driver of the vehicle while in motion sounds an audible signal by bell or siren as reasonably necessary and if the vehicle is equipped with at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or red and blue light or lens visible from in front of the vehicle. (ARS § 28-624.C)
2. Emergency driving requires officers to operate an emergency vehicle with due regard. (ARS § 28-624.D)
3. An articulable determination will be made on each call as to the level of the response, to include either Priority 0 response or Code 3 emergency response.
4. While engaging in emergency driving upon approach to a controlled intersection, officers are responsible for the following procedures:
 - If the light is green or there is a yield sign, officers will reduce speed when necessary for safe operation and drive with due regard for the safety of all persons while evaluating risks and conditions which may interfere with the safe passage and take appropriate steps to ensure safe passage through the intersection.

- If the light is red or there is a stop sign, officers shall come to a complete stop and drive with due regard for the safety of all persons while evaluating risks and conditions which may interfere with safe passage and take appropriate steps to ensure safe passage through the intersection

5. The safe operation of police vehicles is the priority in all situations.

6. The *manual* "PRE EMPT" button on equipped vehicles should not be used to cycle traffic signal lights. The PRE EMPT function will automatically turn on when the vehicle's lights and siren are activated.

D. Procedures

1. Code 3 Emergency Response

a. Officers must evaluate their driving in terms of their skill, vehicle capabilities, existing circumstances and the necessity of a timely response.

b. Officers will evaluate and consider the following during a Code 3 emergency response:

1) Traffic volume and roadway conditions.

2) Time of day.

3) Type of incident.

4) Environmental conditions.

5) Proximity to the incident.

c. Units responding Code 3 to an emergency will not exceed a speed that would result in an unreasonable risk to public safety or loss of vehicle control.

2. Priority 0 Response

a. Priority 0 response is designed to increase in-progress crime suspect apprehension. Officers not assigned to the call may increase the likelihood of apprehension with a response, which is not a Code 3 emergency response.

- b. An officer's response may change dependent on proximity to the call, the type of call and development of the incident.
- c. The following guidelines should be adhered to during a Priority 0 Response:
 - 1) A Field Operations supervisor will determine if a Priority 0 response will be initiated and advise by radio.
 - 2) A call may be hot-toned and at least two (2) officers will be dispatched to the scene for initial assessment of the call.
 - If a call is not hot toned, a supervisor may still initiate a Priority 0 response.
 - 3) A Field Operations supervisor will acknowledge the call by radio.
 - 4) All available sworn officers will respond, and based on the information on the call, will determine if a perimeter or bulls eye positions should be established.
 - An articulable determination will be made by each officer or a supervisor as to the level of the response, to include Code 3 emergency response instead of Priority 0 response.
 - 5) Officers responding do not need to advise Dispatch of their Priority 0 response, but do need to provide perimeter positions, if applicable.
 - 6) Dispatch will refrain from dispatching non-priority calls while the Priority 0 response is occurring.
 - 7) Officers who are on low priority calls may clear via MDT or on an open channel and respond to the Priority 0 call, if practical.
 - 8) The supervisor will manage officer response, the duration of the Priority 0 response, and notify by radio when the Priority 0 response should end.

E. Annual Review

This order and applicable state laws will be reviewed annually by the Department and the policy will be updated as necessary.