



DIRECTIVES

Oak Creek Police Department

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Title: OPERATION OF DEPARTMENT VEHICLES <small>*State Statute §346.03(6) – Rules of Road—Authorized Emergency Vehicles</small>	Directive Number: 8-100	Critical Policy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	Open Record <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Total Pages: 5	Applicability: Sworn Officers

I. PURPOSE AND OBJECTIVES

The purpose and objective of this directive is to establish department-wide guidelines for the use and operation of department vehicles under normal conditions as well as emergency situations.

II. POLICY STATEMENT

It is the policy of this department that officers shall, at all times, operate department vehicles with due regard for the safety of all persons. When operating under emergency conditions, officers shall carefully balance the risk involved against the public interest to be promoted, recognizing always that the exemptions provided by law to authorized emergency vehicles do not protect an operator of an emergency vehicle from the consequences of reckless disregard for the safety of others. When operating a department vehicle under normal conditions, employees/officers shall obey all state laws and local ordinances (commonly referred to as Rules of the Road), as well as all applicable rules and regulations.

In many situations, several emergency vehicles may be responding to the scene at approximately the same time. Officers shall broadcast the location they are responding from. Officers shall be especially alert in these situations to ensure the safe arrival of all emergency vehicles responding to the scene.

Intersections present a special hazard to emergency vehicles. Officers should always slow the speed of their vehicles when approaching an intersection and be able to stop to avoid a crash if necessary. In some situations, the safest and most efficient way of proceeding through an intersection blocked by traffic may be to shut down the emergency warning devices and proceed normally through the intersection with other traffic as traffic control devices allow.

III. DEFINITIONS

- A. *Emergency* is a situation in which the physical safety and well-being of an individual is directly jeopardized; a “life and death” situation or where need for immediate police assistance is apparent.
- B. *Silent Response to Emergencies* means the response to a situation of an emergency nature without the use of audible or visual signals as provided for under Wisconsin State Statute §346.03(4), §346.03(4)(a), and §346.03(4)(b).
- C. *Code 1* – Refers to situations where police presence is desirable, but rapid response will not affect the outcome. Officer response shall be as rapid as officer availability and normal traffic laws allow.
- D. *Code 2* – Refers to situations requiring an immediate police response, but without the apparent element of serious threat to life or property. Officer response shall be as rapid as normal traffic laws allow.
- E. *Code 3* – Refers to situations involving crimes in-progress, medical emergencies, or other situations representing a serious threat to life or property. Officer response shall be immediate, utilizing emergency lights and siren, and as rapid as traffic and distance dictate.

III. DEFINITIONS - *Continued*

- F. *Optical Preemption Equipment* - Equipment designed and engineered to communicate with the traffic control system located at equipped controlled intersections. The approaching emergency vehicles are given a "green" light before entering the intersection, thus creating the ability to move through heavy traffic situations. The equipment significantly increases the efficiency of the emergency response teams and allows them to reach their destinations safely with decreased response times.

IV. AUTHORITY

A. Authorized Emergency Vehicle Response

1. In response to calls of an emergency nature.
2. In pursuit of an actual or suspected violator of the law in an attempt to stop the violator.
3. While obtaining evidence of a speeding violation as authorized under Wisconsin State Statute §346.03(4)(a).
4. In response to a felony-in-progress call (this may involve a silent run/response) as provided under Wisconsin Statute §346.03(4)(b).

B. Use of Warning Devices

1. A visual signal (red and blue lights) shall be activated whenever an officer stops, stands or parks an authorized emergency vehicle contrary to law.
2. Officers may exceed the speed limit without activating a visual or audible signal for obtaining evidence of a speeding violation as provided under Wisconsin state law.
3. When responding to calls of an emergency nature, a law enforcement officer operating an authorized emergency police vehicle shall use audible and visual signals unless one or more of the following conditions apply:
 - a. If an officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following exist:
 - 1) Knowledge of the officer's presence may endanger the safety of a victim or other person.
 - 2) Knowledge of the officer's presence may cause the suspected violator(s) to evade apprehension.
 - 3) Knowledge of the officer's presence may cause the suspected violator(s) to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.
 - 4) Knowledge of an officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

IV. AUTHORITY – *Continued*

- b. An officer responding to a call may decide that audible and/or visible signals should be used even if one or more of the conditions allowing for a silent response exist if the officer reasonably believes that using the audible and/or visual signal presents no unreasonable risk of harm to themselves or others.
 - c. The exemptions listed above under section 3(a) do not relieve the law enforcement officer operating an emergency police vehicle from the duty to drive with due regard under the circumstances for the safety of all persons, nor do they protect such operator from the consequences of his/her reckless disregard for the safety of others.
4. Although the marked vehicles are equipped with optical preemption equipment, there are precautions that need to be taken by the operators of the squads. The optical preemption equipment functions by sending a signal out to a receiver (optical detector) which is positioned on the traffic standards at all major intersections in the City. Once the receiver has identified the signal and if it is recognized will begin the process of switching the lights so that the emergency vehicle would have a green signal. **It is important to note that this process takes time and the signal change is not instantaneous. Squads still should approach and enter the intersections with due regard to other drivers.**

Officers also need to be aware that if emergency vehicles are approaching a controlled intersection from opposite directions the system will change the lights for the signal that it receives first. This is important to note for squads coming from different directions or that may be approaching the intersection the same time as Oak Creek Fire Department vehicles (**which are equipped with similar equipment**).

V. CONSIDERATIONS

- A. In all cases, when an officer decides to exercise the exemptions provided under Wisconsin law section 346.03, he/she shall consider the following factors:
1. Time of Day

Emergency responses occurring during a time when there is a high level of business, school or other activity are deemed as more hazardous than those occurring during periods of low activity.
 2. Volume of Vehicular Traffic

Emergency responses occurring during periods of heavy traffic flow are deemed more hazardous than those occurring at other times.
 3. Density of Population

Emergency responses through residential areas or along streets near or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
 4. Weather Conditions

Emergency responses during periods of inclement weather which restricts visibility are viewed as more hazardous than during good weather.

V. CONSIDERATIONS– *Continued*

5. Road Conditions

Snow, ice, pavement defects and other obstructions will make an emergency response more hazardous.

6. Severity of Reported Crime

The exercise of emergency response exemptions are more justifiable when responding to serious crimes or serious threats to public safety than when responding to less serious incidents.

7. Volume of Pedestrian Traffic

Emergency responses occurring in areas where pedestrian traffic is heavy is viewed as more hazardous than at times when it is light or absent.

- B. Unmarked vehicles are subject to the same restrictions with the additional requirement that officers must display a 360° red light or combination red and blue light and siren to be afforded the privileges available to an authorized emergency vehicle.

C. Use of Safety Equipment

Pursuant to Wisconsin State Statutes, any person who drives or rides as a passenger in a city-owned vehicle shall wear a properly adjusted and fastened seat belt. The exception to this requirement would be when an officer's personal safety may be at risk when approaching or leaving a scene involving a high-risk situation, or if an officer has filed a written notice from a physician that they are unable to wear a seatbelt for medical or physical reasons.

VI. USE OF CODE 3 FOR OTHER THAN TRAFFIC STOPS

- A. Prior to an officer activating the emergency operation signals on a police vehicle, they shall notify the communications center by radio that they will be responding "Code 3". Supervisors should be monitoring radio transmissions at all times and be aware when officers under their direction are responding Code 3.
- B. When an officer is at a traffic stop or call for service, hears the radio transmission of an officer responding Code 3 to back them up, they should immediately let the officer know by radio if a Code 3 response is not required.
- C. When a decision has been made to run Code 3, your emergency operation signals will remain on until arriving at the scene or the Code 3 response has been curtailed. Officers are not authorized to use their emergency operation signals simply to get through a controlled intersection or do an illegal maneuver and then deactivate their lights to expedite getting somewhere which would not normally require a Code 3 response.
- D. When responding Code 3, it is the responsibility of the officer to ensure that the roadway, which includes intersections, are clear and safe to proceed on.

VII. DISCLAIMER

The Operation of Department Vehicles Policy developed by the Oak Creek Police Department is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the Operation of Department Vehicles Policy can only be the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

REFERENCES:

Response to In-Progress Felony Calls
Response to Emergency Calls
Emergency Operation of Department Vehicles
Non-Emergency Operation of Department Vehicles
Radio Communications Protocol – Policy #91-3
OCPD Rules & Regulations #3.41 – Operating Vehicles
OCPD Rules & Regulations #3.61 – Use of Department Equipment
Wisconsin State Statute §346.03



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