

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** JANUARY 5, 2022

**NUMBER:** 1.13 - ADMINISTRATION

**SUBJECT:** EMERGENCY VEHICLE OPERATION

**RELATED POLICY:** [1.03](#), [1.13](#)

**ORIGINATING DIVISION:** TRAFFIC

**NEW PROCEDURE:**

**PROCEDURAL CHANGE:**  **MINOR CHANGES**

**SUPERSEDES:** DP 1.13 – 12/07/2017

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**I. PURPOSE**

This Department procedure complies with existing law to reduce the potential for death or injury arising from emergency vehicle operation. When driving in the emergency mode, officers must continually weigh the seriousness of the situation versus the risk to innocent persons.

**II. SCOPE**

This procedure applies to all sworn and Communications Division members of the Department.

**III. DEFINITIONS**

- A. Emergency Vehicle – a distinctively marked police vehicle equipped with a red light and siren operated by a police officer.
- B. Response Codes – Code 3 (Emergency Response) is the operation of an emergency vehicle using emergency lights and siren, as reasonably necessary, under the following conditions:
  - 1. When necessary to facilitate an immediate response to another officer's request for urgent assistance.

2. When in pursuit of an actual or suspected law violator.
3. When responding to a radio call (or other notification) involving an immediate life-threatening emergency.

C. Response Types

1. Code 11-99, Code 3 (Officer Needs Assistance)

A call for 11-99 shall be requested and broadcast ONLY when an officer is in immediate danger and backup assistance is urgently needed. Code 3 vehicle operation is normally limited to units assigned to the same radio talk group or within a reasonable distance, such as adjoining divisions.

2. Code COVER, Code 3 (Cover Now or Emergency Button Activation)

- a. This type of response is authorized only under controlled circumstances. "Cover Now" is police officer terminology requesting Code 3 cover. Only two units will be permitted to respond Code 3 unless a supervisor specifically authorizes additional units. Radio Dispatchers will broadcast the location of the responding unit(s).

- b. The Radio Dispatcher shall notify the Communications Division Supervisor and a field supervisor shall be assigned to the incident.

3. Code NONU (Request for Cover – Non Urgent)

This is a NON-URGENT response to an officer's request for back-up or cover. A Code 3 response is not authorized.

- a. When "Non-Urgent" cover is requested, it is the requesting officer's responsibility to define why "Non-Urgent" cover is needed (i.e., the subject is becoming agitated).

- b. Defining the reasons for "Non-Urgent" cover request informs the responding officers and field supervisors of the reason for the request thereby reducing any ambiguity in the request.

- c. Based on the circumstances the officer or a field supervisor may upgrade the request for cover to "Cover Now" at any time.

4. Code 10-87 (Informational Exchange)

Code 10-87 is a routine response used when supervisors or officers wish to meet in the field for non-urgent matters.

#### IV. LEGAL CONSIDERATIONS

- A. 21052 CVC – all employees, except as authorized by 21055 CVC, are required to operate their vehicles in accordance with all state laws.
- B. 21055 CVC – provides that the driver of an authorized emergency vehicle is exempt from Division 11, Chapters 2 through 10; and Division 16.5, Chapter 5, Articles 3 and 4, of the Vehicle Code. This limited exemption is only in effect when the following conditions are met:

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- 1. The vehicle is being driven in response to an emergency call, or while engaged in rescue operations, or is being used in the immediate pursuit of an actual or suspected violator of the law.

NEW

- 2. If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. A siren shall not be sounded by an authorized emergency vehicle except when required under this section.

- C. Drivers operating emergency vehicles Code 3 shall continually sound the siren AND utilize all emergency lights when disregarding traffic control devices or other vehicle code regulations. At no time shall an officer use only their overhead emergency lights while proceeding through or clearing an intersection.
- D. Driver/officers operating Code 3 shall exercise caution when proceeding through red lights and stop signs. In certain situations, such as congested intersections, during inclement weather, hours of darkness, and in areas with decreased, obscured, or limited visibility, it may be necessary to clear each traffic lane one by one and/or come to a complete stop before proceeding.
- E. 21056 CVC – states that the exemption of Section 21055 CVC does not relieve the driver of an emergency vehicle from the duty to DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS using the highway.
  - 1. The effect of 21056 CVC is to establish that emergency vehicle operators are NOT protected when their unreasonable or negligent acts of driving imperil others.
  - 2. Officers can be held liable in criminal or civil actions for deaths, injuries or damages caused by negligent emergency vehicle operation.

#### V. OFFICER'S RESPONSIBILITIES

Officers responding to an emergency call (Code 3) shall comply with the following:

A. Code 3 Responses

1. Drive defensively in anticipation of traffic hazards.
2. Maintain self-control, exercise good judgment, and drive with due regard for the safety of others.
3. Advise the dispatcher of the location from which they are responding and monitor the radio closely.

B. Code 11-99, Code 3 (Officer Needs Assistance) Response

1. Upon receiving an 11-99 call, field units shall use sound discretion in responding. An officer must consider:
  - a. The distance to the 11-99 location;
  - b. Traffic and pedestrian congestion;
  - c. Time of day and weather conditions; and,
  - d. The number of units already responding.
2. Only units within a reasonable distance, considering the above factors, shall respond to an 11-99 location in the Code 3 mode. Units that are an excessive distance from the 11-99 may respond only while obeying all the traffic laws.

C. Code COVER, Code 3 (Cover Now) Response

1. Only two units are authorized to respond Code 3 unless a field supervisor assigns additional units. The assigned unit's location will be broadcast by the radio dispatcher.
2. Other responding officers shall advise Communications Division of their location and approximate time of arrival.
3. Use of South Bay Expressway (SBE) toll road for emergencies

Marked police units may use the SBE during emergency situations.

Officers shall notify Communications of the SBE use and Communications will enter that information into the CAD incident report. In addition, the driver officer shall notify Operational Support within four days after SBE use so the Department can rectify invalid violations and associated fees.

- D. Code NONU (Request for Cover)
  - 1. Responding units will discontinue routine activity and proceed to the location.
  - 2. The officers will obey ALL traffic laws and NOT use emergency lights, siren, or flashing lights.
- E. 10-87 (Informational Exchange)
  - 1. Responding officers will advise their approximate time of arrival.
  - 2. They will obey ALL driving rules and perform their normal functions en route to the meet (F.I.s, arrests, citations, etc.).

## VI. **SUPERVISOR'S RESPONSIBILITIES**

- A. Sworn supervisors may AUTHORIZE a Code 3 response to incidents they are responding to or monitoring. Supervisors shall exercise control in their evaluation and limit the number of field units responding Code 3 to those actually required at the scene.
- B. All sworn supervisors have the responsibility to TERMINATE Code 3 vehicle operation, particularly in pursuits, when safety risks or lack of urgency warrant it. This is a requirement of Public Agency Immunity, which protects the Department and individual officers from civil liability (Section 17004.7 CVC).
- C. Upon being assigned to a pursuit, the supervisor shall proceed to the general vicinity of the incident to insure adequate supervision is in place. The supervisor is responsible for ensuring proper resources are deployed (Air Support, Canine Unit, tire deflation devices, etc.) and that only two police units along with a Canine are involved in the pursuit. Supervisors should be proactive in monitoring the pursuit and can authorize additional police units if deemed necessary for safety, but should not become actively involved in it.
- D. Once a sergeant has assumed supervision of a pursuit, they should maintain supervisory control from the beginning until the end of the incident. Supervisors shall proceed to the termination point of the pursuit to ensure all aspects of the investigation are completed and coordinate any jurisdictional issues that may arise. This includes completing and submitting the Pursuit Report CHP 187A (Rev 05-16).

**VII. COMMUNICATIONS DIVISION RESPONSIBILITIES**

- A. When an 11-99 is broadcast, the 11-99 shall be simulcast immediately on all talkgroups.
- B. The radio dispatcher will notify the Communications Division Supervisor, a field supervisor, and the Watch Commander of any Code 3 incidents.
- C. The radio dispatcher will repeat the location and the fact that the unit is responding Code 3 to minimize conflict with other responding units.
- D. The radio dispatcher shall locate and assign a field supervisor to every pursuit. The sergeant assigned should be the supervisor of the primary pursuit unit or a supervisor from the primary pursuit unit's service area.