



POLICY & PROCEDURES

HOLMEN POLICE DEPARTMENT

SUBJECT: **AUTHORIZED EMERGENCY POLICE VEHICLE OPERATION**

NUMBER: 3.1

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 03/01/2012

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PURPOSE

The purpose of this policy is to establish and provide guidelines in the use of the authorized emergency vehicle. It is the policy of this department to use red/blue lights and siren and all emergency equipment available when responding to an emergency call for services. Various state statutes provide that before an authorized emergency vehicle is entitled to its special status under the law, it must display red/blue lights or sound a siren and in some cases, it requires both.

OBJECTIVES

The purpose of this policy is to establish and provide guidelines in the use of the authorized emergency vehicle. It is the policy of this department to use red/blue lights and siren and all emergency equipment available when responding to an emergency call for services. Various state statutes provide that before an authorized emergency vehicle is entitled to its special status under the law, it must display red/blue lights or sound a siren and in some cases, it requires both.

AUTHORITY

340.01(3), 346.03(1-6), 346.04(3), 346.19(1-2), 346.90, 347.25(lm), 347.38(4)

DEFINITIONS

- *Emergency*: An occurrence or an unforeseen situation or incident that requires immediate attention.
- *Emergency Mode*: Stationary – red/blue lights flashing or oscillating; Responding/Pursuit – red/blue lights, flashing or oscillating, siren activated and the pulsating headlights flashing, if equipped.

340.01(3), 347.25(lm), 347.38(4)

AUTHORIZED EMERGENCY POLICE VEHICLE (MARKED/UNMARKED)

1. The authorized emergency police vehicle, whether publicly or privately owned, will be equipped with red/blue lights which are flashing, oscillating or rotating. When the operator of an authorized emergency police vehicle is operating and exercising the privileges granted in 346.03, the red light will be displayed on the driver's side and the blue light will be displayed on the passenger's side. The lights shall be designed and displayed in such a manner that when the lights are being operated, they are visible and understandable from a distance of 500' during normal daylight hours and hours of darkness.
2. The authorized emergency police vehicle may also be equipped with pulsating or flashing headlamps. They will pulse or flash at 70-90 beats per minute and will only be used when the emergency vehicle is being operated in the emergency mode using the red/blue lights or the red/blue lights and siren.

3. The authorized emergency vehicle will also be equipped with a siren. The siren will not be used unless the authorized emergency vehicle is being operated in the emergency mode.

346.03(1)

APPLICABILITY OF RULES OF THE ROAD TO AUTHORIZED EMERGENCY VEHICLES

The operator of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from a fire alarm, may exercise the privileges set forth in this section but subject to conditions stated in [subs \(2\) through \(4\)](#) and [Officer's Responsibilities](#).

346.03(2-4)

PRIVILEGES AND EXEMPTIONS

The operator of an authorized emergency vehicle may:

1. Stop, stand or park irrespective of the provisions of this chapter;
2. proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. exceed the speed limit;
4. disregard regulations governing direction of movement or turning in specific directions.

346.03(3)

The exemptions granted the operator of an authorized emergency vehicle by [sub. \(2\) \(a\)](#) applies only when the operator of the vehicle is giving visual signal by means of at least one flashing, oscillating or rotating red light except that the visual signal given by a police vehicle may be by means of a blue light and a red light which are flashing, oscillating or rotating.

The exemptions granted by [sub. \(2\)\(b\), \(c\) and \(d\)](#) apply only when the operator of the emergency vehicle is giving both such visual signal and also an audible signal by means of a siren or exhaust whistle, except as otherwise provided in [sub. \(4\)](#).

346.03(4)(a)(b)

A law enforcement officer operating an emergency police vehicle shall otherwise comply with the requirements of **sub (3)** relative to the giving of audible and visual signals, but may exceed the speed limit without giving audible and visual signals under the following circumstance.

1. If the officer is obtaining evidence of a speed violation;
2. If the officer is responding to a call which the officer reasonably believes is a felony in progress and/or the officer reasonably believes any of the following:
 - a. knowledge of the officer's presence may endanger the safety of the victim(s) or other persons;
 - b. knowledge of the officer's presence may cause the suspected violator(s) to try to evade apprehension;
 - c. 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;
 - d. knowledge of the officer's presence may cause the suspected violator to cease the commission of the suspected felony before the officer obtains sufficient evidence to establish grounds for arrests.

OFFICER'S RESPONSIBILITIES

1. 346.03(5)
 - a. The exemptions granted to the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive with due regard under 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.
2. 346.19(2)

- a. Nor does it relieve the operator of an authorized emergency vehicle from the duty to drive with due regard under the circumstances for the safety of all persons using the highway.

PUBLIC'S RESPONSIBILITIES

- 1. 346.04(3)
 - a. No operator of a vehicle after having received a visual or audible signal from a traffic officer or marked police vehicle shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard for such signal so as to interfere with or endanger the operation of the police vehicle or the traffic officer or other vehicles or pedestrians. Nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.
- 2. 346.19(1): What to do on the approach of an emergency vehicle
 - a. Upon the approach of an authorized emergency vehicle giving audible signal by siren, the operator of vehicle shall yield the right of way and shall immediately drive such vehicle to a position as near as possible and parallel to the right curb or the right hand edge of the shoulder of the roadway clear of any intersection and unless otherwise directed by a traffic officer, shall stop and remain standing in such position until the authorized emergency vehicle has passed.
- 3. 346.91: Following an emergency vehicle
 - a. The operator of any vehicle other than on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500' or drive into or park his/her vehicle within the block where or within 300' of the driveway entrance or similar point of access to a driveway or roadway on which fire apparatus has stopped in response to an alarm.

THE OPERATION OF THE EMERGENCY VEHICLE

POLICY

It will be the policy of the Holmen Police Department to operate emergency vehicles in accordance with State Statutes 346.03 and with due regard for the safety of all persons. The following guidelines will be followed:

GUIDELINES

- 1. Emergency Response
 - a. Officers are authorized to exercise the exemptions provided in 346.03 when responding to emergencies. Emergencies include incidents where there is a threat of physical violence or a need for immediate assistance is required. Emergency light and siren and all other emergency equipment available will be used when exercising the exemptions under 346.03 except as provided for in these guidelines.
 - b. An officer may exceed the speed limit without using red/blue lights and siren when obtaining evidence of a moving traffic violation.
 - c. When responding to a felony in progress call, officers are authorized to proceed without emergency lights and siren only when he/she reasonably believes any of the following:
 - (1) knowledge of the officer's presence may endanger the safety of the victim(s) or other persons;
 - (2) knowledge of the officer's presence may cause the suspected violator(s) to try 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 the officer's presence may cause the suspected violator(s) to cease the commission of a suspected felony before the officer can obtain sufficient evidence to establish grounds for the arrest.
 - d. Because of the distances sometimes traveled by the officers, it will be the department's policy to utilize red/blue lights and siren when responding to a felony in progress call, however, the officer shall be authorized to turn off the emergency lights and siren when

necessary to conceal the arrival of the officer in the immediate area where the incident is taking place and may also do so for other exigent circumstances.

2. Stopping or parking an authorized emergency vehicle on or adjacent to the roadway
 - a. The red/blue emergency lights must be used whenever an officer is required in the course of his/her duty to stop or park his/her vehicle in disregard for the rules of the road, unless in doing so would jeopardize the safety of the officer in the course of an investigation.
3. Considerations
 - a. In all cases when an officer decides to exercise the exemptions provided under 346.03, he/she shall consider the following factors and will drive accordingly.
 - i. Time of Day: Emergency response occurring during a time when there is a high level of business activity or school is in session or other activities are deemed more hazardous than those occurring during times of low activity.
 - ii. Volume of Vehicular Traffic: Emergency response occurring during heavy traffic flow are deemed more hazardous than those occurring at other times.
 - iii. Density of Population: Emergency response to residential areas or along streets near or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
 - iv. Weather Conditions: Emergency responses during periods of inclement weather which restrict visibility are viewed as more hazardous than during good weather.
 - v. Road Conditions: Rain, snow, ice, pavement defects and other obstructions will make emergency responses more hazardous.
 - vi. 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 the less serious incidents.
 - vii. Volume of Pedestrian Traffic: Emergency responses occurring within areas where pedestrian traffic is heavy is viewed as more hazardous than at times when it is light or absent.
4. Intersections
 - a. When operating an authorized emergency vehicle under the exemptions of 346.03, officer shall slow upon approaching an intersection and be prepared to stop if necessary. When proceeding past a red light or stop sign or stop signal, officers shall proceed at speeds when enable them to stop or yield to any vehicle that has the right of way or is unable to stop.
5. Unmarked Police Vehicles
 - a. Unmarked police vehicles present a greater hazard than the marked authorized emergency vehicle when operating under the exemptions of 346.03. Operators of the unmarked emergency vehicle shall use extreme caution when utilizing these exemptions.
6. Emergency Escorts
 - a. Wisconsin statutes permits authorized emergency vehicles to operate emergency signaling devices and exercise privileges under the law, but there are no exemptions for other vehicles. Thus, escorting non emergency vehicles through traffic will not be allowed. If the emergency is critical, for example, a critically injured person must be transported to a medical facility without awaiting the arrival of an ambulance, then the officer should carry that person in his/her police vehicle. In addition, the driver of the other vehicle should be firmly directed by the officer not to attempt to follow the police vehicle on its emergency run.
7. See also [Policy 2.3: Pursuit Driving](#)

DISCLAIMER

This policy 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 this policy may form the basis for departmental administrative action, but it is not intended for use in the courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins

