

	<b>HARRISONBURG POLICE DEPARTMENT</b> General Orders	<b>Policy Number:</b> 431
	<b>Chapter:</b> Field Operations	<b>Total Pages:</b> 3
	<b>Section:</b> Emergency Driving	<b>Issue Date:</b> 12/30/2024
	<b>Issued By:</b> Rod Pollard, Interim Chief of Police	<b>Effective Date:</b> 12/30/2024
	<b>Replaces:</b> All General Orders Previously Issued Relative to Subject	
<b>VALEAC Standards:</b>		

## A. POLICY AND PURPOSE

This policy provides guidelines when driving in response to a life-threatening or other serious incidents (based on available information) which requires emergency equipment in operation.

## B. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated, and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only and does not enlarge an employee's civil 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. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

## C. DEFINITIONS

**Emergency Driving** - That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. [VA Code §46.2-829](#), [VA Code §46.2-920](#), and [VA Code §46.2-1022](#) apply.

**Due Regard** - Defined as how a "reasonably careful person, performing under similar circumstances would act in the same manner." These definitions are how you will be judged in a civil court of law.

## **D. PROCEDURES FOR EMERGENCY DRIVING**

### **a. GENERAL**

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. The exemptions to driving laws granted to emergency vehicle operators "shall not, however, protect the operator of any vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property" and that the law does not "release the operator of any such vehicle for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount, the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others ([VA Code §46.2-920.B](#))
3. Operators of department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way ([VA Code §46.2-829](#)).
4. Officers responding to certain crimes-in-progress sometimes discontinue the use of their lights and siren upon approaching the location of the occurrence. Officers shall understand that to do so means that, per Virginia law, they are no longer operating an emergency vehicle and must therefore observe all posted speeds and traffic control devices.
  - a. Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
5. Upon approaching a controlled intersection or other location where there is great possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, however, the officer should stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.

6. Regardless of the seriousness of the situation to which the officer is responding and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.