



WEST VANCOUVER POLICE DEPARTMENT

Operational Policy

OJ1100: Police Vehicles – Emergency Operation

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide clear guidelines and limitations on the operation of police units as Emergency Vehicles, and to ensure compliance with guidelines established by Police Services Division of the Ministry of Justice.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy, the following definitions will apply:

“Act” means the BC Police Act, [RSBC 1996] Chapter 367, as amended from time to time.

“Close the Distance” means attempting to close the distance between a Peace Officer’s vehicle and another vehicle but does not include a pursuit.

“Director of Police Services” means the Assistant Deputy Minister and Director of Police Services, Policing and Security Programs Branch, Ministry of Justice for the Province of British Columbia.

“Emergency Equipment” means:

- i. an audible signal bell, siren or exhaust whistle, and
- ii. a flashing red or blue light.

“Emergency Vehicle” means any a motor vehicle driven by a Peace Officer or constable in the discharge of his or her duty.

“Member” means a sworn peace officer employed at the Department.

“MVA” means the BC Motor Vehicle Act, [RSBC1996] Chapter 318, as amended from time to time.

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"Peace Officer" means a constable or a person who has a constable's powers; and includes persons who are officers within the meaning of "officer" as defined in Part 1 of the Act.

"Pursuit" means the driving of an Emergency Vehicle by a Peace Officer for the purpose of apprehending the driver of another vehicle who refuses to stop as directed by a Peace Officer and intentionally attempts to evade apprehension. The determination of whether a Member is engaged in a Pursuit does not depend on whether or not the Member has activated their Emergency Equipment.

"Regulation" means the BC Motor Vehicle Act Emergency Vehicle Driving Regulation, as amended from time to time.

3.0 POLICY

- 3.1 Members operating an Emergency Vehicle as defined by Section 1 MVA and responding to emergency situations must consider all of the circumstances and the nature of the incident prior to deciding on the mode of response. Members must also be able to justify the response decision and subsequent actions taken while exercising privileges granted by Section 122 MVA, and the Regulation.
- 3.2 The privileges granted by Section 122 MVA and the Regulation may not be exercised by a Member unless the Member has successfully completed training approved by the Director of Police Services.
- 3.3 A Member may not operate an Emergency Vehicle as described in Section 4 of the Regulation without adhering to the guidelines for operating Emergency Vehicles published by the Police Services Division.

4.0 PROCEDURES

Exemption for Emergency Vehicles

- 4.1 The exemption for Emergency Vehicles found in Section 122(1) MVA permits the driver of an Emergency Vehicle to do the following:
 - a) exceed the speed limit;
 - b) proceed past a red traffic control signal or stop sign without stopping;
 - c) disregard rules and traffic control devices governing direction of movement or turning in specified directions; and
 - d) stop or stand.

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- 4.2 The driver of an Emergency Vehicle must not exercise the privileges granted by Section 122 (1) MVA except in accordance with the Regulation.
- 4.3 The driver of an Emergency Vehicle exercising a privilege granted by Section 122 (1) MVA must drive with due regard for safety, having regard to all circumstances of the case, including the following:
- a) the nature, condition and use of the highway;
 - b) the amount of traffic that is on, or might reasonably be expected to be on, the highway; and
 - c) the nature of the use being made of the Emergency Vehicle at the time.

Emergency Response by Peace Officer

- 4.4 Members operating an Emergency Vehicle for a purpose other than a pursuit may achieve exemption under Section 122(1) of the MVA if:
- a) the Member has reasonable grounds to believe that the risk of harm to members of the public from the exercise of those privileges is less than the risk of harm to members of the public should those privileges not be exercised; and
 - b) the Member operates the following Emergency Equipment, as applicable:
 - i) in the exercise of privileges described in Section 122(1)(a) to (c) of the MVA, an emergency light and siren; and
 - ii) in the exercise of privileges described in Section 122(1) (d) of the MVA, an emergency light **or** an emergency light and siren.
- 4.5 Members having determined that there are reasonable grounds referred to in Section 4(1) (a) of the Regulation may exercise any of the privileges granted in Section 122(1) MVA without operating an emergency light and siren or by operating an emergency light alone:
- a) if the Member is responding to an incident and has reasonable grounds to believe that an offence has been, is being or is about to be committed and that the risk of harm to the public entailed in operating an emergency siren or an emergency light and siren, outweighs the risk of harm to the public in not operating them; and
 - b) the Member is engaged in the lawful execution of their duty other than described above or in Section 3 of the Regulation and has reasonable

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grounds to believe that it is safe to operate the Emergency Vehicle without operating the emergency siren or an emergency light and siren.

- 4.6 In considering whether there are reasonable grounds pursuant to application of Section 122 of the MVA, a Peace Officer must:
- a) consider the pertinent factors relative to Pursuits by Police as described in Section 3(2) of the Regulation; and
 - b) weigh the degree of risk of harm to members of the public against the seriousness of the nature and circumstances of the suspected offence or incident.
- 4.7 Section 4(2) of the Regulation stipulates the conditions required in allowing the driver of an Emergency Vehicle to respond to an incident without operating an emergency light and siren or by operating an emergency light alone. Members must be aware that Section 4(2) does not apply if the Peace Officer must disregard a stop sign or approach or pass signs described in Section 147 of the MVA relating to schools and playgrounds.
- 4.8 A Peace Officer operating an Emergency Vehicle in the circumstances set out in Section 4(2) of the Regulation must stop at a red light and may then disregard the red light and proceed through the intersection if the Peace Officer has reasonable grounds to believe it is safe to do so without operating Emergency Equipment.
- 4.9 Factors which will increase the risk of harm to members of the public for purposes of Section 4 of the Regulation include:
- a) attempting to Close the Distance between a Peace Officer's vehicle and another vehicle;
 - b) if there is poor visibility;
 - c) if there is pedestrian or other vehicular traffic on the highway; and
 - d) if the Peace Officer must disregard a yield sign or pass through a crosswalk or uncontrolled intersection.
- 4.10 For the purposes of Section 4(2) of the Regulation, the greater the distance, speed or length of time required or likely to be required in exercising the privileges granted by Section 122 (1) of the MVA, the greater the risk to the safety of members of the public.
- 4.11 For the purposes of Section 4(2) of the Regulation, the risk of harm to members of the public must be considered to be substantially increased when a Peace

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Officer is attempting to Close the Distance if the other vehicle is not in the sight of the Peace Officer.

Entering an Intersection

- 4.12 The driver of an Emergency Vehicle exercising the privileges granted by Section 122 (1) of the MVA must slow that vehicle to a speed consistent with reasonable care when approaching or entering an intersection.

Training Course Requirements

- 4.13 The privileges granted by Section 122(1) of the MVA may not be exercised by a Member unless the Member has successfully completed training approved by the Director of Police Services.

Pursuits

- 4.14 The Regulation stipulates the specific conditions in order for Peace Officers to initiate a Pursuit as well as restrictions on exercising the privileges granted by Section 122 of the MVA. For policy regarding Pursuits refer to Department policy **OA0130: Pursuit Driving**.

Non-Emergency Use of Emergency Equipment

- 4.15 Emergency lights or Siren alone may be used as a means of identifying the police vehicle to a traffic violator or suspect and may also be used to identify a stopped police vehicle to minimize traffic hazards.
- 4.16 The use of alternating flashing headlights (wig-wags) should terminate once the police vehicle is stationary to avoid unnecessary blinding of oncoming traffic.

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