

## Code-3 Response and Driving

### 307.1 PURPOSE AND SCOPE

- A. Code-3 driving can expose motorists and other persons to the risk of serious injury or death. The primary purpose of this policy is to provide members with policy, procedure, and guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law or respond to an emergency or critical incident in an expedited manner. This policy is also designed to help reduce the potential for Code-3 driving related collisions. Code-3 driving requires members to exhibit a high degree of common sense and sound judgment. Members must not forget that the immediate apprehension of a suspect or a Code-3 response may not be more important than the general safety of the public or other involved persons.
- B. Members must understand that the most important factors to the successful conclusion of Code-3 driving are proper self-discipline and sound professional judgment. Member's actions, decisions, and conduct during the course of Code-3 driving, and its aftermath, must be objectively reasonable; that is, what a reasonable law enforcement officer would do under the circumstances. Additionally, members must realize and practice that they need to stay within their personal driving skill sets.

### 307.2 DEFINITIONS

Code-1, Code-2, or Code-3 Driving Responses of any type of police vehicle - (ARS 28-624)

- A. Code-1 Driving is defined as the officer or member responding to an incident without emergency lights or sirens according to the officer or member's priority discretion while obeying all traffic laws and rules of the road.
- B. Code-2 Driving is defined as an officer responding directly to an incident, typically without emergency lights or siren being utilized. However, officers may exceed the speed limit, make turning movements, or traverse an intersection using emergency lighting and siren as reasonably necessary when the officer can reasonably articulate the need to momentarily expedite their response because of information or circumstances known to them at the time of their response. Examples of incidents that may result in a Code-2 response could be an in-progress crime or incident where information does not merit a Code-3 response, but information reasonably leads the officer to believe a limited expedited response is necessary to prevent violence, threatened violence, the safety of a person(s), or a significant property loss. The term "limited" in this section means a limited duration in time; i.e., momentarily used to traverse an intersection, pass a vehicle, etc.
- C. Code-3 Driving is defined in ARS 28-624 and is further defined as an immediate emergency response with emergency lights and siren utilized as reasonably necessary to address an in-progress emergency, to pursue an actual or suspected violator of the law, in response to driving to a fire alarm incident location, or protect persons from violence or threatened violence. SPD policy requires a member to drive with emergency lights and siren on at all times when driving Code-3.

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- D. Supervisor - Supervisor in the context of this policy is defined as a corporal acting as a shift supervisor, sergeant, or a superior officer who has completed SPD Code-3/Pursuit supervision training and passed SPD Code-3/Pursuit supervision testing.

#### **307.3 MEMBER RESPONSIBILITIES**

- A. It is the policy of the SPD that any Code-3 driving shall be conducted in accordance with SPD policy. SPD policy requires at least one flashing red or red and blue warning lamp visible from the front of the police vehicle and an audible siren activated at all times during a Code-3 response in an authorized emergency vehicle. This policy and ARS 28-624 provides members with guidelines for driving with due regard and caution for the safety of all persons using the highways.

#### **307.4 INITIATION OF CODE-3 DRIVING**

- A. Sworn members are authorized to initiate Code-3 driving when it is reasonable to believe that an emergency exists, or is about to exist, or an incident exists that requires an expedited response to address an in-progress crime of violence, threatened violence, or an emergency involving a serious injury, illness, or danger to another person. Members shall immediately notify Dispatch via their PCWIN radio when they initiate, join, or terminate participation in any Code-3 driving. All members who are actively driving Code-3, or assisting in a Code-3 driving incident, shall transmit all their actions and communication associated with the Code-3 driving incident on their PCWIN radio.
- B. If a member responds Code-3 to an incident, a supervisor, shall promptly acknowledge the Code-3 response over the PCWIN radio. The supervisor shall assure the Code-3 response is conducted in accordance with this policy. The supervisor as described in this policy has the authority and responsibility to terminate a Code-3 response if such response is inappropriate.
- C. If a supervisor or superior officer, directs a member(s) to terminate any Code-3 driving, the member(s) shall immediately terminate the Code-3 driving and promptly acknowledge this via their PCWIN radio.
- D. The following factors individually and collectively shall be considered in deciding whether to respond to an incident driving in a Code-3 manner by members involved in or supervising such an incident:
  1. Seriousness of the known or reasonably suspected violation of law and its relationship to community safety.
  2. The importance of protecting the public and balancing the known or reasonably suspected offense(s), emergency, and/or danger to others and the apparent need for immediate emergency response or capture against the risks to motorists, members, and others.
  3. Apparent nature of the suspect (e.g., whether the suspect represents a serious threat to others, property, and/or public safety).

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4. The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time and location.
5. Safety of the public associated with Code-3 driving, includes factors such as: the type of area, time of day, and the amount of vehicle and/or pedestrian traffic (e.g., school zones).
6. The driving, communication, and overall Code-3 driving capabilities and performance of the member(s) under the given conditions.
7. Weather, traffic, lighting, and road conditions that increase and/or decrease the danger of the Code-3 driving when weighed against the risks resulting from the suspect's escape or safety of others associated with the incident.
8. Performance capabilities of the vehicles used in the Code-3 response in relation to the speeds and other conditions of the incident.
9. Other associated safety factors.
10. Availability of other resources, such as aircraft assistance and allied agencies.
11. The member's vehicle is carrying passengers such as, SPD members, allied law enforcement officers, civilian ride-a-long, etc.
12. The distance between the responding member and the emergency is so great that further Code-3 driving would be futile or require the response to continue for an unreasonable time or distance.
13. The incident location is no longer definitely known.
14. The suspect(s) are no longer on-scene presenting a threat to persons or property.
15. The member's vehicle suffers a mechanical failure making it unsafe or there is an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use (ARS 28-624(B)(4)).

#### **307.5 WHEN NOT TO INITIATE OR WHEN TO TERMINATE CODE-3 DRIVING**

- A. Code-3 driving should not be initiated, or should be discontinued whenever the totality of circumstances known, or reasonably ought to be known, outweigh the risks resulting from the suspect's escape or injury or danger to a victim or other person associated with an emergency or critical incident.
- B. Operating an emergency vehicle with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ARS 28-624(D)).
- C. Members and supervisors must objectively and continuously weigh the seriousness of the offense(s), emergency and/or danger to others against the potential danger to motorists, themselves and the public when electing to initiate or continue Code-3 driving. In the context of this policy, the term "terminate" shall be construed to mean stop driving in a Code-3 manner.

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- D. Once a member terminates Code-3 driving, or if a member is not part of the initial Code-3 response to an incident, the member can drive Code-2, as appropriate and in accordance with this policy.

#### **307.6 NUMBER OF RESPONDING CODE-3 VEHICLES**

- A. The number of vehicles responding Code-3 to an incident (outside of an officer needing urgent assistance) shall typically be limited to two vehicles. However, a supervisor may join the Code-3 response if they deem it necessary to provide more direct supervision.
- B. Members may request, and a supervisor may approve additional vehicles (members) to join a Code-3 response if, after assessing the available factors outlined within this policy, it appears that the number of members involved would be insufficient to safely arrest the suspect(s) or address the emergency incident.
- C. All other members shall refrain from responding Code-3, but should remain alert to the incident's progress and location. Any member who drops out of a Code-3 response may then, if necessary, proceed to the incident location. Members may drive Code-2; however, should generally drive at legal speeds and follow the rules of the road, as other officers are responding in a Code-3 manner.

#### **307.7 POLICE MOTORCYCLES / UNMARKED OR LESS DISTINCTLY MARKED POLICE VEHICLES**

- A. A distinctively marked patrol vehicle equipped with emergency overhead lighting and siren shall replace a police motorcycle or other unmarked or less distinctively marked police vehicle as a primary or secondary Code-3 response vehicle (member) as soon as practicable.
- B. Vehicles not equipped with emergency red or red and blue lights and siren are prohibited from any Code-3 response.

#### **307.8 CODE-3 DRIVING TACTICS**

- A. The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning a Code-3 driving response. The following are tactics for members involved in a Code-3 response:
  - 1. Members shall consider their driving skills and vehicle performance capabilities, will space themselves from other vehicles such that they are able to see and avoid hazards or react safely to maneuvers by other vehicles/parties.
  - 2. Members may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ARS 28-624).
  - 3. Members driving Code-3 shall drive in the number one lane, and pass to the left hand side of vehicles. Members are reminded that while motorist are required to move to the right side of the roadway in response to emergency lights and sirens, they may move to the left side of a roadway or react in some other manner. Members are reminded to drive with due regard for motorist, pedestrians and the public.

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4. Members involved in a Code-3 response should not attempt to pass other police vehicles unless the situation requires otherwise or they are requested to do so by the primary vehicle (member) and a clear understanding of the maneuver process exists between the involved members.

#### **307.9 SUPERVISORY CONTROL AND RESPONSIBILITIES**

- A. It is the policy of the SPD that available supervisory and management control shall be exercised during all Code-3 driving responses involving members from this department. This includes any SPD officer(s) being involved in another agency's Code-3 response.
- B. The on-duty supervisor, or superior officer in-charge, during any Code-3 driving shall be responsible for the following:
  1. Upon becoming aware of a member driving Code-3, immediately acknowledge the Code-3 response to Dispatch via the PCWIN radio and assure the Code-3 response is conducted within the standards of this policy.
  2. The supervisor shall ascertain all reasonably available information to continuously assess the situation and risk factors associated with the Code-3 response in order to assure that the Code-3 response is conducted within this policy.
  3. Exercise management and control of the Code-3 response even if not physically engaged in it.
  4. Assure that no more than the number of required law enforcement vehicles/officers needed are involved in the Code-3 response under the guidelines set forth in this policy.
  5. Direct that the Code-3 response be terminated if, in their judgment, it is not justified to continue under the policy, procedures, and guidelines of this policy.
  6. Engage in a Code-3 response, when appropriate, to provide on-scene supervision; however, the supervisor shall carefully evaluate if they should leave jurisdiction, possibly leaving the Town or other members without supervision.
  7. Assure that aircraft assistance is requested if available and practicable for the given incident.
  8. Assure that the proper radio channel is being used and that involved members provide prompt and accurate information.

#### **307.10 WATCH COMMANDER RESPONSIBILITIES**

- A. Upon becoming aware that members are responding to an incident driving Code-3, the Watch Commander (senior ranking on-duty sworn member) should monitor and continually assess the situation and assure the Code-3 driving is conducted within the guidelines and requirements of this policy.

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1. A patrol supervisor shall assume and continue with all supervisory responsibilities of a Code-3 response unless advised by a Watch Commander that the Watch Commander is taking over supervisory responsibilities.
- B. The Watch Commander has the final responsibility for the approval, coordination, control, and termination of a Code-3 response and shall be in overall command.

#### **307.11 POLICY ISSUANCE OR REVIEW**

04/01/2024 - Reviewed by Chief John D. Noland, SP002

04/09/2025 - Issued by Chief John D. Noland, SP002