5-09/200.05 - Civil/Criminal Liability

Under section 17004 of the Vehicle Code, Deputy personnel are not liable for civil damage on account of personal injury to, or death of, any person; or damage to property resulting from the operation, in the line of duty, of an authorized emergency vehicle responding to an emergency call. Immunity from liability for the county or the employee may only be in force when the vehicle is operating with red light and sounding a siren, as may be reasonably necessary, and then only when the vehicle is operated with due regard for the safety of all persons using the highway. Failure to operate an emergency vehicle according to these standards may subject the operator or the county to civil liability for death or injury to persons or property and may subject the operator to criminal liability.

Hazardous speeds, dangerous maneuvers and loss of vehicle control, regardless of the circumstances, may be in violation of the standard requiring due regard for the safety of all persons using the highway.

Emergency vehicle exemption statutes do not relieve a peace officer from the duty of exercising "due regard" for the safety of others.

Acting without due regard for the safety of others, even when red light and siren are employed, may subject the operator and the county to civil and/or criminal liability.

Refer to:

17004 CVC - Authorized Emergency Vehicle.
21055 CVC - Exemption of Authorized Emergency Vehicle.
21056 CVC - Effect of Exemption.