Patrol Boat Code 3

PURPOSE
The purpose of this directive is to establish policy and procedure for emergency (Code 3) patrol boat operations.

SCOPE
This order shall apply to all station boat personnel assigned to Marina del Rey Sheriff's Station.

ORDER
1. EMERGENCY DEFINED
An emergency is an urgent circumstance during which life and/or property is at great risk.

2. LEGAL ISSUES
California Code of Regulations - Title 14 sections 6590 and 6591 define appropriately marked and equipped law enforcement vessels and describe the distinctive blue light such vessels must show during emergency operations. Our patrol vessels and their lights conform to these sections. California Harbors and Navigation Code section 652.5(d) requires other vessels to slow to a minimum speed for steerage and give the right of way to a law enforcement vessel operating with an illuminated blue light and sounding a siren as necessary. Vessels are required to stay clear and not inhibit or interfere with the law enforcement vessel during such operation. Under 655.2(b) H&N, a law enforcement vessel displaying the proper blue light is exempt from local or state imposed speed limits.

3. CIVIL AND CRIMINAL LIABILITIES
The H&N section discussed above specifies that other vessels are to give the right of way to a law enforcement vessel operating Code 3. Additionally, the section also directs vessels to reduce speed and give way if a stationary law enforcement vessel is showing an illuminated blue light and is conducting related operations. However, there is no section, as there is for emergency vehicles in the CVC, that specifically releases the operator of the law enforcement vessel from civil liability.

Sections 656(c)(1) and 656(2) H&N discuss public entities and their employees the possibility of liability while engaged in a rescue operation. The employee of a public entity will not be liable for damages unless guilty of a crime or conscious disregard for the safety of others. The public entity will be liable for civil damages if the employee fails to act as "a reasonably prudent person would act...under similar circumstances."

This section might be interpreted to include a Code 3 response on the way to conduct a rescue operation, or it may be interpreted to cover only acts conducted during the rescue itself. Also, while the majority of Code 3 boat operations are rescue related, an emergent response to a crime related call may at times be required. The above listed sections do give a limited amount of protection for a law enforcement agency conducting patrol boat operations. However, deputy personnel must always exercise extreme caution during Code 3 operations and supervisors must recognize their responsibilities in these matters. Nothing relieves the deputies operating a patrol boat or the supervisors monitoring the operation from using due care to prevent a mishap.

4. DESK CREW RESPONSIBILITIES
The desk crew may direct the patrol boat to respond Code 3 by dispatching a call with an emergency designator in the same manner as for a patrol car. The desk crew shall exercise control of such operations by closely monitoring the LASD and Marine VHF frequencies and maintaining radio communications with the

patrol boat(s) until the emergency situation has been stabilized. The desk crew shall notify the Watch Commander immediately regarding any Code 3 patrol boat operation, whether initiated by the desk or by the patrol boat crew themselves.

5. WATCH COMMANDER RESPONSIBILITIES

The Watch Commander, upon notification of a Code 3 patrol boat operation, shall move directly to the dispatch area and immediately establish the following:

--Actual reason and necessity of the Code 3 operation.

--Safety conditions concerning the deputies, the patrol boat, and others affected by the operation.

--Adequate communications with the deputies and others involved in the operation.

--Command, control, and coordination of the operation.

The Watch Commander is responsible for the decision making. The very first decision is to verify the actual necessity to conduct the operation. Given a safer alternative that will still satisfy the necessity present, the Watch Commander shall terminate the Code 3 operation in favor of a more appropriate response.

A secondary consideration involves a series of decisions by the Watch Commander to continue or abandon the operation based on additional facts as they become known. This review must continue until the operation is terminated and the situation is stabilized. The Watch Commander will document the incident in the Shift Summary Report for the Unit Commander.

6. BOAT CREW RESPONSIBILITIES

During Code 3 patrol boat operations, deputies must operate Department vessels in accordance with all governing rules and regulations. The speed limit exemption granted in 655.2(d) H&N does not release the boat operator from due care to prevent an accident.

Boat crews may become involved in Code 3 operations resulting from either a dispatched call, an observation, or as a result of a call on VHF Ch 16. In all cases, the deputies must adhere to the following:

--the patrol boat shall be operated in a safe and prudent manner. Safety shall be the utmost concern.

–the speed of the patrol boat shall not exceed that which is safe for the prevailing conditions, ie: weather, sea conditions, harbor facilities, boat traffic density, wake, channel and basin structures, moorings, etc.

--If initiating a Code 3 response, the boat crew shall establish immediate and ongoing radio communications with the station dispatcher. This radio communication will be via LASD radio and/or Marine VHF as the situation dictates and the boat crew will relay all pertinent information required by the dispatcher until the emergency is stabilized.

–the boat crew shall activate the blue strobe lights continuously and the siren shall be sounded whenever necessary throughout the Code 3 operation.

--The deck hand deputy shall act as a lookout and assist the helmsman as required

–the wake from the patrol boat shall be monitored during the Code 3 operation and an evaluation of the potential hazard of the wake vs. the nature of the emergency must be conducted. If the wake from Code 3 operations is potentially hazardous to vessels, docks, or other property, speed shall be immediately reduced UNLESS the boat crew has reason to believe that the emergency is such that an immediate threat to human life or the possibility of serious injury to a human being exists. Only the threat to human life or of serious bodily injury will justify continued high speed operation in areas, such as the harbor basins, where wake damage is possible.

–the boat crew will note in their log the following information related to the Code 3 operation: starting and ending points, reason, route taken, and whether or not any wake damage was likely or if any wake damage was reported by citizens at the scene or when the patrol boat returned to normal operations.

7. CODE 3 RESPONSES, SUMMARY

Generally, a Code 3 response should not create more danger or liability than no response at all.

The Watch Commander is responsible for authorizing such operations while the boat crew is responsible for safe seamanship and boat handling. Typical Code 3 response situations include, but are not limited to:

--Reported or observed boat fires.

--Reported or observed vessels in distress or in danger of sinking or grounding.

--Reported or observed vessels that have capsized and persons are believed to be in the water or trapped under water or below decks.

--Transport of emergency equipment to save lives, fight fires, or prevent the loss of a vessel.

--Transport of medical personnel or injured persons.

--Transport of personnel to support emergency operations.

--Response to emergency assistance requests from law enforcement, fire, or lifeguard personnel.