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Chief Marshal

Superior Court of Guam

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July 28, 1997

Memorandum

To: Marshal Personnel

From: Chief Marshal

Subject: **RESPONDING TO EMERGENCY, URGENT AND ROUTINE CALLS**

Purpose: To establish division policies, procedures, and guidelines concerning the use of Court Official Vehicles in responding to emergency, urgent and routine Marshal calls.

This Order consist of the following numbered sections:

- I. Discussion
- II. Vehicle Code Provision
- III. Emergency Calls
- IV. Use of Blue Lights, Siren, and Speed
- V. Responsibilities

I. **Discussion:**

All Marshal Personnel are directed to adhere to the following division policy and guidelines in connection with the handling of Superior Court Official Vehicles and responding to an emergency situation.

II. **Vehicle Code Provision:**

- A. Section 3301(e) of Title 16 Guam Code Annotated provides that the driver of an authorized emergency vehicle shall be exempt from the provisions of the Code.
- B. The exemption, as mentioned above, applies only where the authorized emergency vehicle is being operated under one or more of the following circumstances:
 1. In responding to an emergency call.
 2. In the immediate pursuit of an actual or suspected violator of the law.

- C. The exemption also applies only when the following conditions are met.
1. A siren is being sounded in a manner which gives reasonable warning of the approach of the official vehicle.
 2. One flashing blue lamp or light is displayed by the vehicle upon the public highway.
- D. No privilege to operate a vehicle in disregard of Title 16 G.C.A. Chapter 3 can be established unless adherence to these provisions can be established unless adherence to these provisions can be proven. Having complied with these provisions, the benefits of the privilege are still denied if the driver of the vehicle fails to show due regard for the safety of all persons using the highways or arbitrarily exercises this privilege.

III. Emergency Calls:

- A. An Emergency is defined as a situation in which there is a high probability of death or personal injury to a Deputy Marshal or damage to property and speedy action by a deputy marshal may avert or reduce the seriousness of the situation or the consequences of the act.
- B. Examples of Emergency Calls include, but are not limited to:
- 1) Deputy Marshal in imminent danger of being injured
 - 2) A violent felony in progress.
 - 3) Deputy needed assistance in execution of Warrant of Arrest.
 - 4) Traffic Accident with serious injury.
 - 5) Life threatening situation on Judges or employees.
- C. With some exceptions, emergency calls received by a deputy marshal are dispatched by radio. On calls received the determination of what constitutes an emergency is made by the radio dispatcher and the message is broadcasted with a code designation signifying an emergency call.
- D. Emergency calls shall be dispatched "CODE 1"
- 1) Deputy Marshal dispatched Code 1 Will immediately proceed directly, and in a safe manner, to the call by the most expedient route, and under normal circumstances will have their emergency lights and siren in operation to facilitate and expedite their response.
 - 2) Code 1 does not protect the driver of an emergency vehicle from the consequences of a reckless or unnecessary disregard of the safety of others.

IV. Use of Blue Lights, Siren, and Speed:

- A) Whether the deputy marshal is responding to an emergency call or pursuing an actual or suspected violator of law, he must sound the siren in a manner which will give the ample warning of his approach, and he must display a flashing blue light before he or the territory has the benefit of the exception awarded emergency vehicles. (Neither the siren nor the flashing blue light when used alone is sufficient; both must be used). During daylight hours, when the flashing blue light may be given insufficient warning, deputies responding to emergency calls may also turn on headlights and the four way flashing emergency lights.
- B) Since neither the siren or the flashing blue lights alone is sufficient to qualify the vehicle as an emergency vehicle, neither one will be used alone while the vehicle is in motion, except that the flashing blue light may be used as a means of identification while stopping or apprehending violators as long as the 16 G.C.A. Chapter 3 provisions are not violated. Flashing blue lights shall be used on top of Court Officials where such use will aid in minimizing the traffic hazzard.
- C) The Siren need not be sounded continuously. The law requires the use only when the officer is driving in a manner which violates the Title 16 G.C.A. Chapter 3 provisions and is asking for the right to use the roadway in a manner that will conflict with the ordinary lights of some other persons to use the roadway, then the siren must be sounded a sufficient length of time before reaching the place where the conflict might occur to give such other person a reasonable opportunity to come to a stop in a safe place. Remember that in crowded places and where traffic is heavy, conflict may occur at any time.
- D) At intersections there is always the possibility of a conflict either with vehicles or pedestrians. The more congested the area, the heavier the traffic, the more restricted the view of the intersecting roadway, the greater the likelihood of conflict becomes and the more certain the deputy must be that he has given adequate warning by sounding the siren and using the flashing blue lights and that he is driving in a manner which shows due regard under the circumstances for the safety of persons and property on the roadway emergency vehicles must stop at all traffic light controlled intersections until all other vehicles have the right of way.
- E) The sounding of a siren 50 to 100 feet before reaching an intersection is not adequate warning. The siren must be sounded a sufficient length of time before reaching the intersection to allow such persons to adjust themselves mentally, react physically, and bring their car to a stop before the deputy marshal responding reached the intersection.
- F) Experience has shown that sirens are most audible when operated in a manner which causes a fluctuation in the tone and volume. A steadily sounded siren does not get the attention that a fluctuating siren receives.

- G) Once a Marshal has made a decision to use the siren, one must remember that some persons are hard of hearing, windows are sometimes closed in other vehicles, persons are listening to their radios and many people become confused when they first hear the siren.
- H) Accidents have occurred between two emergency vehicles sounding sirens and approaching intersections at right angles. Neither driver was aware of the approach of the other because each could hear only his own siren. Consideration must therefore be given to the possibility that the emergency vehicles may also be asking for the same right of way which the officer is seeking.
- I) When responding to an emergency, *at no time* may one emergency vehicle overtake another emergency vehicle that is already responding to the same emergency. Exceptions are when two vehicles are responding to two different emergencies and must travel in the same direction, the officer responding to a Code 1 call must take precedence over the other emergency vehicle, however, extreme caution must be taken under these circumstances.
- J) Deputy Marshal responding to an emergency, will operate the official vehicle within a single lane of travel. When responding on a highway with four or more lanes, the vehicle will be operated within the inner lane of the highway in the direction of the response. At no time will the vehicle be operated in a lane of travel designated for the opposite direction except when traffic congestion warrants it's necessity. Such movement will only be made after first ascertaining that it can be done with the maximum safety.
- K) When pursuing an actual or suspected violator of the law or responding to other emergencies, the speed necessary in the proper performance of official duty is largely determined by the violator being pursued or the type of emergency. Deputy Marshal's must always remember and follow these rules:
1. Get there as quickly as possible and safety.
 2. Keep the speed at a level which will enable the operator to avoid hazards which should reasonably be anticipated by being alert and exercising due regard.
 3. Keep the vehicle under control at all times.
- L) Deputies should be aware of the hazards of the roads when it rains. The surface of a paved road becomes excessively slippery because of the contamination of water, oil, and grit on the road. Speed should be reduced under these considerations.

- M) When exercising the privileges of an emergency vehicle, be sure that the flashing blue lights is on and that you are sounding the siren in a manner that give adequate notice of your approach.

VII. Responsibilities:

- A. All first line and other supervisors must emphasize firmly the importance and significance of the proper handling of the court official vehicles and the correct attitude of getting to the desired destination safe.

All personnel are directed to adhere to this policy and guidelines concerning the use of blue lights and siren in responding to an emergency.

Personnel found to be in violation of this policy will be dealt with accordingly.


JOSEPH M. CRUZ

cc:

All Judges
Administrative Director of Courts
Human Resources
Marshal Supervisors

MOTOR VEHICLE TRIP TICKET

SUPERIOR COURT OF GUAM

I	OPERATOR	DEPT/DIVISION	DATE
	OPERATOR'S SIGNATURE	TRIP AUTHORIZED BY	LIC. NO (GovGu)
	TYPE OF VEHICLE	PURPOSE OF TRIP	FUEL (GovGu)
		DISPATCHED BY	

II NOTE WHEN THIS VEHICLE IS RETURNED TO THE MOTOR POOL, IT MUST BE CLEAN AND HAVE A 1/2 TANK OF FUEL. YOU WILL ALSO BE RESPONSIBLE FOR REPORTING ANY DAMAGE OTHER THAN THAT IDENTIFIED AT THE TIME OF ASSIGNMENT. THIS IS FOR OFFICIAL USE ONLY. CARRY REQUIRED OPERATORS'S LICENSE.

TIME	MILEAGE		
ARRIVE	ARRIVE		
DEPART	DEPART		
	TOTAL		

VEHICLE CONDITION	OUT	IN	VEHICLE CONDITION	OUT	IN
FENDERS			GRILL		
BODY			TIRES		
HOOD			LIGHTS		
TRUNK & INTERIOR			MIRRORS		
BED & TAIL GATE			TOOLS & SPARE TIRE		
BUMPERS			OIL WATER		
GLASS			SAFETY BELT		
INSPECTED BY					

III	DESTINATION	TIME		MILEAGE	REMARKS
		ARRIVE	DEPART		
	FROM			DEPART	
	TO			ARRIVE	
01	TO			ARRIVE	
02	TO			ARRIVE	
03	TO			ARRIVE	
04	TO			ARRIVE	
05	TO			ARRIVE	
06	TO			ARRIVE	
07	TO			ARRIVE	
08	TO			ARRIVE	
09	TO			ARRIVE	
10	TO			ARRIVE	

REVENUE & TAXATION

GOVERNMENT OF GUAM

855 West Marine Drive Agana, Guam 96910 • Tel: (671) 477-1040 Telex: 721-6218-GOVGUAM • Fax: (671) 472-
 Driver's Examining Branch Tel: (671) 649-3007-8-9 • Fax: 649-1040

REPORT OF MOTOR VEHICLE ACCIDENT

Traffic Accident Case No. _____

1. Name of Driver: _____ Social Security Number _____
2. Mailing Address: _____ Telephone _____
3. Type: (Operator's) (Chauffeur) (Taxi) (Motorcycle) (Learner's Permit) Expires: _____
4. Date of Accident, Time and Location: _____
5. Number of persons involved in accident _____ Number Injured _____ Killed _____
6. Name of other driver(s) _____
7. Number of vehicles involved _____ Other vehicles _____ Other property damage _____
8. Name of the Registered owner of vehicle you were driving _____
 Legal Owner _____ Make of Vehicle _____ Year _____ Model _____
 License Plate No. _____ Excess Damage _____
9. Insurance Policy No. _____ Name & Address of Company _____
 Effective date _____ Expiration date _____ Coverages _____

Signature of Driver_____
Date_____
Signature of Registered Owner_____
Date

PUBLIC LAW 20-216

EFFECTIVE DATE: JULY 1, 1991

SECTION 19105. Report of Accident Required. The driver of every motor vehicle which is in any manner involved in any accident within Guam except on property belonging to such driver, which accident has resulted in damage to the property of another persons in excess of \$250 or in bodily injury or the death of any person, shall within ten (10) days of such accident report the accident to the office of the Director on a form approved by the Director or to the Guam Police Department. If such operator be physically incapable of making such report, and is not the owner of the motor vehicle involved in such accident, then the owner shall, as soon as he learns of the accident, report the matter to the Director and/or the Chief of Police of the Guam Police Department.

SECTION 19106. PENALTY.

(a) Any person who willfully fails, refuses or neglects to report any accident as required by Section 19105 shall be guilty of a petty misdemeanor.