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What Constitutes an Emergency: Training for Emergency Responders

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Emergency response training; it's a bread and butter topic for police officers, firefighters, and emergency medical providers. Despite this, it is far too often outright neglected, or when it is provided, misunderstood. This is the first article in a series which should help instructors understand Iowa law surrounding emergency responses. Because an instructor cannot provide adequate training without first understanding the topic, the first question that must be answered is what constitutes an emergency?

Before addressing this question, it's important to know that under [Iowa Code § 670.2](#) every municipality is subject to liability for its torts and those of its officers and employees. As used in Chapter 670 of the Iowa Code, a tort "means every civil wrong which results in wrongful death or injury to a person or injury to property or injury to personal or property rights and includes but is not restricted to actions based upon negligence; error or omission; nuisance; breach of duty, whether statutory or other duty or denial or impairment of any right under any constitutional provision, statute, or rule of law." Notwithstanding, specific claims are exempted under [Iowa Code § 670.4](#), including "[a] claim based upon or arising out of an act or omission in connection with an emergency response including but not limited to acts or omissions in connection with emergency response communication services." This exemption is known as "emergency response immunity". If this immunity applies, then the municipality and its officer or employee will not be liable as a matter of law.

In 1964, United States Supreme Court Justice Potter Stewart famously deflected defining what constituted hard-core pornography by explaining that "I know it when I see it, and the motion picture involved in this case is not that." Although "emergency" as used in [Iowa Code § 670.4\(1\)\(k\)](#) is not statutorily defined, Iowa courts seem to have implemented Justice Potter's "I know it when I see it"

approach to answering this elusive question. Iowa courts have found emergencies exist in a number of situations, including: a house fire, a grass fire, a motor vehicle collision, a child drowning, a flood, a carjacking, a collision with livestock in the roadway, a secondary collision involving icy road conditions, and more. While these are some examples where Iowa courts have found an emergency existed, this list is by no means exhaustive. Importantly, the Iowa Supreme Court has repeatedly acknowledged that emergency response immunity encompasses a broad range of circumstances and situations. Moreover, this immunity is intended to allow municipal responders to render aid "...in dire situations free from the distractions or concerns over potential lawsuits."

From my own experience as a former Fire Captain and probably like many of you reading this, there is a fog of response that makes it difficult to sift through initial information on an incident. To help think about whether a situation is an emergency, you may consider whether a person may be in danger of suffering an injury or death and whether property is in danger, and if so, to what extent. These are rules of thumb and are by no means dispositive. Generally, uncertainty should be resolved in the favor of the public. In other words, presume it is an emergency until the facts show you otherwise. Consider this example, similar to an incident from my career. The department was paged to respond to a rollover accident without injuries in the roadway, also known as a property damage accident. No other information was available. Per policy, it was a non-emergent response. Upon arrival several minutes later, it was found that the person was in fact seriously injured and there was debris scattered everywhere.

Consequentially, there were several problems with this non-emergent response. Most importantly, care of a seriously injured patient was delayed. In addition, as it was a so called non-emergent call, there was a lack of appropriate resources, including manpower, to handle the incident upon arrival, further delaying resolution of the incident. Furthermore, the roadway was temporarily shut down thereby hindering travel and economic activity. Finally, the patient and the public did not understand "why it took so long" to respond. As this example illustrates, unintended legal consequences may result.

It seems if the public believes the municipality did something wrong, then it is more likely a lawsuit will follow. In that event, the non-emergency response increases the likelihood that any resulting litigation against the municipality or responders is successful. After all, if the responders do not consider an incident an emergency, then it's going to be hard to argue in court that emergency response immunity should apply.

Incident responses such as the example above are not acceptable. Responders have to do better, but training to understand what constitutes an emergency is just the beginning. The next article in this series will address emergency response policies.

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