

Germantown Police Department

Policies and Procedures

Number: 11-2
Effective Date: January 1, 2003
Subject: Vehicle Pursuit and Emergency Response
Previous Revisions:

I. PURPOSE

The purpose of this policy is to establish guidelines for vehicle pursuit, overtaking violators of the law, and police response requiring emergency operation of Department vehicles.

II. POLICY

- A. All emergency vehicle operations shall be conducted in strict accordance with existing statutes and Department procedures. Officers engaged in emergency vehicle operations shall utilize both audible (siren) and visual (emergency lights and headlights) emergency warning equipment when engaged in vehicle pursuit, overtaking, and response to calls for assistance when mandated by statute and Department policy.
- B. All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No assignments shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons.
- C. All Department personnel will be held strictly accountable for the consequences of any reckless disregard for the safety of others.

III. DISCUSSION

Officers, in the course of their duties, are called upon almost daily to engage in emergency vehicle operations in response to calls for assistance, crimes in progress, and in pursuit of traffic law violators or vehicle pursuit of suspects attempting to evade apprehension.

Drivers of authorized emergency vehicles are granted exemptions from certain traffic laws when exercising their official duties.

Tennessee Code Annotated 55-8-108 - Authorized Emergency Vehicles:

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but is subject to the conditions herein stated.
- B. The driver of an authorized emergency vehicle may:
1. Park or stand, irrespective of the provisions of this chapter;
 2. Proceed past a red or stop signal or stop sign, but only after slowing down enough to ensure safe operation;
 3. Exceed the maximum speed limits so long as he/she does not endanger life or property;
 4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his/her reckless disregard for the safety of others.

This statute is extremely limited; there must be an emergency or pursuit situation; only certain actions are exempted; the emergency vehicle must use both an audible (siren) and visual (flashing light) signal; and the emergency vehicle must be driven with due regard for the safety of all persons. If all these elements are not present, the officer may be placed in the same category as all other drivers and liability may result where the officer is involved in a collision, or a fleeing motorist collides with a third party during a pursuit.

The law permits necessary escalation of force directed against an offender to affect his/her apprehension so long as it is the minimum force reasonably necessary to overcome efforts either to evade apprehension or to cause harm to others. Negligent or reckless actions committed by officers during their efforts in pursuit of actual or suspected violators or in responding to emergencies which result in damage or injury to innocent persons are prohibited by law. The duty to avoid damage or injury to innocent third parties is superior to that of pursuit or emergency response.

Moral, as well as policy, considerations require that officers balance the necessity for pursuit or apprehension against the probability and severity of damage or injury.

It is difficult, if not impossible, to describe exactly how a fleeing motorist can or should be apprehended, or the manner in which the Department should respond to calls for emergency assistance, except to say that it must be done legally and safely.

Each individual pursuit or call for emergency assistance has unique aspects. The pursuing/responding officer, field supervisors, and commanding officers, in a short period of time, will have to use their own best judgment, collect their total resources, including their training and experience, bearing in mind the policies, procedures, and directions outlined in these guidelines, and apply them collectively to the existing circumstances. If they feel certain that the pursuit or response is justified according to established criteria and it can be performed in relative safety, they should continue with intent to apprehend the suspect, all the while mindful of the safety of all concerned.

Even though the officer is engaged in the lawful performance of duties, he/she is not relieved of the obligation to exercise due care, and excessive or negligent operation of Department vehicles may render both the officer and the Department liable to criminal and/or civil action. The use of emergency equipment does not demand the right of way, it requests it.

IV. DEFINITIONS

The following definitions apply for the purpose expressed in this order:

- A. Vehicle Pursuit: For the administrative purpose of the Department, pursuit is defined as: the attempted motorized apprehension of another vehicle at the point in which the officer reasonably suspects the vehicle to be apprehended is not going to stop. High-speed pursuit is a pursuit at speeds that exceed the legal speed limit.
- B. Dangerous Felony: A felony that involves an actual or threatened attack, which the officer has reasonable cause to believe, could, or has resulted in death or serious bodily injury (i.e., aggravated assault, rape, armed robbery, murder).
- C. Roadblock: Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a street or highway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.
- D. Primary Pursuit Unit: The police unit which initiates a pursuit or any unit which is actively involved in the pursuit and assumes control of the pursuit.
- E. Priority Traffic or Signal "Q": An announcement by Communications or an officer which directs all personnel to refrain from transmitting radio traffic that is not emergency related.

V. GENERAL CONSIDERATIONS AND GUIDELINES

- A. As a general rule, pursuit is not recommended or favored when the potential danger to the officer and the general public outweighs the potential danger to the officer and the general public outweighs the potential advantage of apprehending a fleeing

vehicle by such means. Simply stated, pursuit is clearly inappropriate when the pursuit endangers life more than the person being pursued endangers life. Vehicle pursuits are prohibited in all instances of traffic only and misdemeanor violations.

- B. A decision not to pursue is the wiser choice when the person is known, and he/she poses no immediate threat to the community.
- C. Each officer must reasonably and conscientiously determine whether to begin a pursuit, bearing in mind the guidelines outlined herein.
- D. Many factors must have a bearing on an officer's choice. Some of the major ones are:
 - 1. alternative means of apprehension;
 - 2. nature of offense;
 - 3. road conditions;
 - 4. traffic conditions;
 - 5. time of day;
 - 6. weather conditions;
 - 7. speed of pursuit;
 - 8. presence of pedestrians or others;
 - 9. nature of area through which pursuit is being attempted.
- E. The decision to pursue is **NOT IRREVOCABLE**, and it is the intelligent officer who knows when to discontinue the pursuit. The experience and common sense of each officer coupled with his/her concern for the safety of the public and himself/herself should guide in the decision. A decision not to pursue or to break off a pursuit will not subject the officer to any disciplinary actions.

VI. PROCEDURE

When the decision to pursue is made, each officer is responsible for observing the specific procedures that follow:

- A. Justification for Vehicle Pursuit: A high-speed pursuit is authorized only when all three of the following conditions exist:

1. the officer has probable cause to believe that the person about to be pursued has committed or is going to commit a felony involving the use or threat of violence toward a person or persons; AND
2. there are no safer alternative means of apprehension; AND
3. traffic, road, and weather conditions, and the presence (or absence) of other persons permit the pursuit so that the danger to the public caused by the pursuit is less than the danger posed by the suspect.

B. Pursuit Initiation - Decision Making:

1. Initiation of Pursuit: Once an officer attempts to apprehend a suspect by using a police vehicle and begins to exceed the speed limit (or otherwise not comply with posted or written traffic rules or regulations), the officer should ask himself/herself:

DO I HAVE REASONABLE SUSPICION THAT THE VEHICLE TO BE APPREHENDED IS NOT GOING TO STOP?

ANSWER: Going to stop - then continue with stop.

ANSWER: Not going to stop - then make pursuit decision based on 2 and 3 below.

2. Alternative Methods of Apprehension: The officer should then ask himself/herself:

ARE THERE SAFER ALTERNATIVE MEANS OF APPREHENDING THE SUSPECT?

ANSWER: If yes - then terminate the pursuit.

ANSWER: If no - then go to question 3 below.

Once one or more of the following has been determined, terminate the pursuit unless there are circumstances, which dictate that the public interest in apprehending the suspect outweighs the risk of injury from the pursuit:

- a. Recognition of the vehicle
- b. Recognition of the driver and/or passengers
- c. Identification of the license plate number

3. Continuation of Pursuit: The officer should then ask himself/herself:

DO I HAVE PROBABLE CAUSE TO BELIEVE THAT AN OCCUPANT OF THE VEHICLE HAS COMMITTED OR WILL COMMIT A FELONY INVOLVING VIOLENCE TO A PERSON?

ANSWER: If no, then terminate pursuit; or

ANSWER: If yes, then consider the risk assessment criteria set out in General Considerations and Guidelines, Item #4 above.

- a. Based on the reasonable judgment of the officer, if any of these criteria threaten to cause the risk of injury to the general public to outweigh the interest in apprehending the fleeing suspect(s), then the pursuit should be terminated.
 - b. Each officer should have available in his/her vehicle and should use the High Speed Pursuit Checklist to aid in making pursuit decisions.
4. Primary Unit Responsibility During Pursuits:

- a. Only plainly marked patrol units shall be used for continuous pursuit. If the initial pursuit must be undertaken by another vehicle (unmarked), such vehicle shall immediately abandon the pursuit when a marked unit has intercepted and undertaken to continue the pursuit.

Only one primary patrol unit shall be in actual pursuit, and no more than one secondary unit shall assist unless directed otherwise by a supervisory officer.

- (1). Secondary response units shall yield the right of way to the pursued and the pursuing vehicles and will not become directly involved in the pursuit, observing applicable traffic laws. Secondary units will maintain a safe distance between themselves and shall be available to assist in the apprehension. **Under no circumstances will there be caravanning or paralleling at high speeds.**
- (2). Only those units dispatched or directed by a supervisor shall respond to the immediate vicinity of a pursuit for the purpose of assisting in the apprehension.
- (3). Upon commencing pursuit, the officer shall immediately activate emergency equipment, blue lights, and siren, and

make radio contact with Communications requesting that the air be cleared for "Priority Traffic" or "Emergency Traffic" and advise them of the following information:

- (a). identify of pursuing unit;
- (b). exact location and direction of travel;
- (c). description of pursued vehicle, make and model, color and year, if known;
- (d). tag number and state, if known;
- (e). number of occupants in pursued vehicle with sex, race, and approximate age, if known;
- (f). nature of the offense and any weapons present, if known.

The pursuing officer shall maintain contact with the dispatcher and other units informing them of the pursued vehicles direction of travel.

- (4). When it is anticipated that the pursuit will enter another jurisdiction, the appropriate law enforcement agency will be notified with all pertinent information.
- (5). Primary command responsibility shall rest with the supervisor on duty.
 - (a). The pursuing officer shall constantly weigh the necessity of the pursuit, considering such factors as the safety of the public, conditions of the road, etc.
 - (b). If a supervisor orders the officer to terminate the pursuit, he/she will immediately do so, reporting to Communications the location and direction of travel of the suspect vehicle at the time of termination. If at any time he/she feels the pursuit is a greater threat to the public safety than the offender being pursued, the officer will terminate the pursuit and notify Communications of his/her decision, relaying the last known position and direction of travel of the suspect vehicle. The decision not to pursue or to break off a pursuit will not subject the officer to disciplinary action.
- (6). During pursuit, the police vehicle shall, at all times, stay far enough away from the pursued vehicle so as to avoid a collision if it stops suddenly or changes direction.

- (7). Police units shall slow to a speed that would permit a stop upon approaching an intersection in the event another vehicle should enter from the intersecting street. The police vehicle should safely enter the intersection as required by Tenn. Code Ann. 55-8-108.
- (8). Intentional contact (bumping or ramming) with the suspect vehicle is not permitted, unless in highly unusual circumstances, the benefits of forcibly removing the vehicle from the roadway outweigh the immediate risks of allowing the vehicle to continue. Such actions would be undertaken only in compliance with the Department's deadly force policy.
- (9). Firearms shall not be discharged by an officer while driving or occupying a vehicle engaged in pursuit, except as a last resort to defend himself/herself or a citizen. Every precaution shall be taken to ensure the safety of the general public in the vicinity. Such actions shall conform to the Department's firearms and deadly force policies.
- (10). Roadblocks shall not be placed on any street or thoroughfare within the city unless ordered by a supervisor.
- (11). High-speed pursuit is not permitted when the police vehicle is occupied by other than sworn law enforcement officers. Any non-law enforcement officer in the unit must be let out of the unit to be transferred to another unit before initiating high-speed pursuit.
- (12). Any officer who participates in a pursuit shall, prior to going off duty, document the fact in Department memo form to their supervisor.

5. Supervisory Responsibilities During Pursuits:

- a. The commander of the on duty patrol shift shall assume overall command of any pursuit.
- b. Upon being notified of the pursuit, the field supervisor shall verify the following:
 - (1). No more than two units are involved in the pursuit when necessary in the apprehension of violent fugitives, suspects in

major felonies, multiple fleeing vehicles, or multiple occupants in a fleeing vehicle.

- (2). Proper radio procedures are being utilized.
 - (3). Affected allied agencies are being notified.
- c. The supervisor shall monitor the radio traffic and may direct specific units into or out of the pursuit. The supervisor will continue to direct the pursuit, and approve or order alternative tactics and maintain control until the pursuit is terminated.
 - d. As with any tactical field problem, it is not necessary that the supervisor be physically present in order to begin coordination and assert control of the pursuit.
 - e. The supervisor assuming control of the pursuit must proceed without delay to the termination point to provide guidance and necessary supervision.
 - f. The supervisor shall be responsible for submission of a written analysis and critique of the pursuit. The supervisor's memorandum will include a brief synopsis including date, times, witnesses, subjects, charges placed, and a description of any personal injury or property damage that resulted from the pursuit. A copy of the memorandum and any related reports must be forwarded through the chain of command to the Chief of Police.
 - g. Commanding officers shall ensure that all officers receive appropriate training in policy and procedures relating to pursuits.
6. Dispatcher/Communications Responsibilities During Pursuits:
- a. Immediately announce "emergency traffic, pursuit in progress, signal "Q"", to clear the radio airways of unnecessary traffic.
 - b. Immediately notify the field supervisor that a pursuit has been initiated.
 - c. Receive and record all incoming information on the pursuit and the pursued vehicle.
 - d. Perform relevant motor vehicle or record checks.
 - e. Control all radio communications during the pursuit.

- f. Coordinate assistance under the direction of the field supervisor assuming command.
- g. Notify other agencies when the pursuit is approaching their jurisdiction and keep them updated as to the progress of the pursuit.
- h. Continue to monitor the pursuit until it has been terminated.
- i. Advise all units that the radio channel is clear for routine traffic after the pursuit is terminated.

7. Pursuit Vehicle Operation and Tactics:

- a. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.
 - (1). Caravanning:
There shall be no caravanning by field units.
 - (2). Passing:
There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor.
 - (3). Spacing:
All units in pursuit shall space themselves at a distance that will ensure proper braking and reaction time in the event a lead vehicle stops, slows, or turns, or enters heavy or congested traffic conditions.
 - (4). Roadblocks:
A roadblock may only be authorized by the highest-ranking supervisor involved, and then only as an absolute last resort and under extreme emergency circumstances. Only marked police patrol vehicles shall be used in roadblocks.
 - (a). The roadblock must be located so that visibility of oncoming traffic and driver reaction times are not significantly impaired. This also includes the vehicle and the driver being pursued.
 - (b). The roadblock shall be established in such a manner as to channel the pursued vehicle and slow it down. One of the key elements of a roadblock is the leaving open of an avenue of escape, in order to avoid

unnecessary injury to persons and damage to property in the vicinity of the roadblock.

- (c). When a roadblock is being conducted, the officer(s) engaged in the roadblock shall warn other vehicles and bystanders of the danger of an approaching pursuit and instruct the vehicles and bystanders to a position of safety.
- (d). Private vehicles shall not be used as a roadblock.
- (e). Rotating beacon lights, headlights, spotlights, and emergency flashers will be used on marked vehicles to form a roadblock. All relevant information concerning the roadblock will be relayed over the police radio to all vehicles involved in the pursuit.
- (f). Officers shall exit the police vehicles used in the roadblock. They shall maintain cover at a safe distance between themselves and the roadblock vehicle(s).

(5). Traffic Control Devices:

Extreme caution must be used whenever officers disregard traffic signs or signals. Officers shall make use of all available warning devices to alert other motorists and pedestrians and adhere to Tenn. Code Ann. 55-8-108.

8. Use of Firearms During Pursuits:

- a. Department policy regarding the use of deadly force shall be strictly followed.
- b. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self defense or defense of another when the suspect is using deadly force against the officer or another.
- c. Officers must be aware that firing at a moving motor vehicle or its driver is extremely dangerous. A moving vehicle that has been damaged or disabled, or a vehicle with a driver who is no longer in control may result in the vehicle striking other motorists, pedestrians or even residential and business structures.

9. Interjurisdictional Pursuits:

- a. The Communications Center will notify outside agencies if the Department is in a pursuit that is traveling toward or in the other agency's jurisdiction. The Communications Center will specify that

the call is either a request for assistance or merely a courtesy notification with no participation desired.

- b. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit. The caller from the outside agency must be specifically asked if they are making a request for assistance or merely making a notification.
- c. Officers shall not become involved in another agency's pursuit unless specifically authorized by the field supervisor or higher ranking officer, or unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all Department pursuit policies are in effect.
- d. The person receiving a notification of a pursuit by an outside agency, shall carefully assess the circumstances to determine if the pursuit is likely to enter the Department's jurisdiction. Prior to making any radio broadcast, the Communications Center will obtain from the outside agency the same information our primary pursuit unit is expected to provide.
- e. Requests by other agencies for pursuit assistance will be broadcast and the first Department unit to join will be designated as the backup unit. Any additional assistance by the Department will be specifically authorized by the field supervisor and the procedures established will be in effect.

10. Emergency/Urgent Call Response:

- a. Officers shall use emergency warning equipment in accordance with applicable statutes and department policy.
- b. Response modes shall be as follows:
 - (1). A response to a routine call for service. The officer is to respond to the call without delay, proceeding directly to the location, while operating the vehicle in compliance with all traffic laws and with due regard for the safety of all persons. The officer shall not utilize rotating lights or siren (i.e., report calls, crime not in progress, non-life threatening calls, etc.).
 - (2). A response to an urgent call for service. The officer is to respond to the call without delay, proceeding directly to the location, while operating the vehicle with due regard for the

safety of all persons. If only the rotating or flashing beacon lights are used (without siren) the officer may not violate traffic laws.

- (3). A response to an emergency call for service. The officer is to respond to the call immediately, proceeding directly to the location as quickly as reasonably possible, while operating the vehicle with due regard for the safety of all persons, utilizing rotating or flashing beacon lights, siren, and headlights.
- c. A supervisor may override the instructions of the Communications Center and may order a different response code, if deemed necessary under the circumstances.

11. Silent Runs:

- a. It is recognized that in some situations, an officer's or a citizen's safety and the successful apprehension of a suspect may be jeopardized by the use of audible (siren) equipment or emergency lights within close proximity to the scene.
 - (1). Robberies in progress
 - (2). Burglaries in progress
 - (3). Or other like situations where an officer's discretion may determine the need to proceed in a silent run.

WARNING: According to Tennessee law (Tenn. Code Ann. 55-8-108), the exemptions granted to an emergency vehicle only apply when the vehicle is making use of both audible and visual signals.

For example, this means that when only the blue lights are being used, the vehicle is just as any other non-emergency vehicle on the street, and is bound by law to obey all traffic regulations.

12. Requests for Backup/Assistance:

- a. When an officer in the field is involved in a situation where help is needed, he/she must be aware that a non-specific request may result in an uncoordinated response. This may be a greater hazard to life and property than the originating incident. The officer must minimize this hazard by giving the following information if at all possible.

- (1). Unit number
 - (2). A specific request for "emergency" or "routine" backup.
 - (3). Number of units requested
 - (4). Reason for the request
 - (5). Exact location
 - b. The officer making the request should, if possible, monitor the radio long enough to determine if the call has been received by the Communications Center.
 - c. Primary response units shall proceed to the specified location in accordance with the response code specified (emergency or routine).
 - d. Primary response units shall immediately notify the Communications Center upon arrival at the scene and provide a status report as soon as possible.
 - e. Upon receipt of a termination notice by either the officer or Communications, responding units shall discontinue emergency operation and return to their assigned area unless specifically requested to continue to the location under normal driving conditions.
13. Operational Response to Portable Radio "Alert Button"
- a. "Alert buttons" on portable radios may be utilized by officers under circumstances where emergency assistance is needed and the circumstances preclude the use of the normal means to request assistance.
 - b. The Communications Center shall respond to the activation of an "alert button" in compliance with the following procedures when the location of the officer is known:
 - (1). When the "alert button" is activated, the Communications Center shall immediately determine the identity of the officer or unit that has the source of the transmission.
 - (2). The Communications Center shall announce "priority traffic" and in the same transmission shall transmit one call to the source unit or officer.
 - (3). If the officer fails to make a proper and clear voice response to indicate a false or accidental activation within five seconds, the Communications Center shall dispatch a unit or

- units to the officer's location if the location can be determined.
- (4). After the backup units have been dispatched, the Communications Center shall continue to attempt to make voice contact with the officer.
 - (5). The Communications Center shall notify the Field Supervisor of the situation.
- c. Officers must remember that the activation of an "alert button" will generate a response from backup units and should govern their actions accordingly.
- d. In situations where an "alert button" is activated and the location of the officer or unit is unknown the following procedures shall be followed:
- (1). The Communications Center shall immediately determine the identity of the officer or the unit that is the source of the transmission.
 - (2). The Communications Center shall announce "priority traffic" and in the same transmission shall transmit one call to the source unit or officer.
 - (3). If the officer or unit fails to make proper and clear voice response to indicate a false or accidental activation within five seconds, the Communications Center shall notify the Field Supervisor of the on duty patrol shift of the situation.
 - (4). The Communications Center shall notify all patrol units of the situation and those units shall become involved in an active attempt to locate the officer or unit who activated the "alert button."
 - (5). The Communications Center shall continue to attempt to contact the officer by voice.
 - (6). The Communications Center shall research records to determine the most recent time, location, and circumstances under which the last radio communication was made by the officer and shall report this information to the Field Supervisor.

14. Supervisory Responsibilities During Requests for Backup/Assistance:
 - a. Field Supervisor - Upon notification of a request for emergency assistance, the field supervisor shall review the classification and designation assigned by the Communications Center to determine if it is appropriate and reclassify the response if a different response mode is called for.
 - b. When an emergency response has been initiated, the field supervisor shall verify the following:
 - (1). Proper response classification or designation has been made.
 - (2). No more than the required or necessary units are involved in the response
15. Pursuit or Emergency Response While Transporting:
 - a. Officers shall not become involved in a vehicle pursuit or emergency response while transporting a prisoner, suspect, witness, or any other person not specifically authorized or allowed to be transported under these circumstances.

VII. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.