



LOUDON POLICE DEPARTMENT LOUDON, TN



Chapter 5

Subject: Emergency Equipment and Vehicle Flight Response Driving	Effective Date: March 25, 2019	Revised Date: March 25, 2020
Title: Procedures for Emergency Equipment and Vehicle Flight Response Driving	Pages: 11	Distribution: All members
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Purpose

The purpose of this directive is to establish procedures for the use of vehicular emergency equipment and Vehicle Flight Response driving by members of the Loudon Police Department.

This directive shall consist of the following sections:

- I. General Provisions
- II. Emergency Equipment Operations
- III. General Procedures for Vehicle Flight Response Driving
- IV. Regulatory Considerations
- V. Administrative Review of Vehicle Flight Responses

I. General Provisions

A. The departmental definition of police Vehicle Flight Response is an active attempt by a member in an authorized emergency vehicle to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is avoiding apprehension by maintaining or increasing the speed, eluding the emergency vehicle, or by failing to stop.

B. All employees/members of the department including front seat passengers when in any motorized vehicle (except motorcycles), shall wear the seat belt restraint devices anytime a vehicle is in motion.

II. Emergency Equipment Operations

A. For the purpose of policy, "emergency equipment" includes: (1) primary devices, consisting of the blue light bar and the police vehicle siren, (2) secondary devices, consisting of headlights, emergency vehicle flashers, auxiliary or portable blue light and the spotlight.

B. The blue light and siren shall be engaged during all Vehicle Flights to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the police vehicle. The simultaneous use of the blue light and siren shall be required in all Vehicle Flights and in all other emergency responses.

C. In addition to the use of the emergency primary devices, all members of the Department are encouraged to use the secondary devices, such as the headlights, emergency flashers, and the spotlight.

D. During traffic stops the spotlight may be used to illuminate the interior of a violator's vehicle so that all occupants are kept within view and are placed at a distinct disadvantage when attempting to look back at the police vehicle and member. The spotlight may also be utilized as protection to the member during a felony stop or other hazardous situation and when dealing with known or suspected felons. The spotlight will not be used to "blind" a suspect or violator while their vehicle is in motion.

E. The public address system can be valuable when stopping a known felon. The desired actions of the violator can be directed from a safe distance minimizing the hazard to the member. The public address system may be utilized by members when circumstances exist which may jeopardize the public or member's safety. The public address system is also useful in directing persons when unusual conditions exist, such as the traffic artery temporarily obstructed, alerting pedestrians to hazardous conditions or elements, and communicating with other persons concerned with relieving the emergency situation.

F. During an emergency response or Vehicle Flight Response, the operator of the emergency vehicle shall not use distracting devices such as cellular telephones, AM/FM radios, or MDTs. The accepted communications device during such an event will be the

police radio. All other communication devices are to be turned off or made less of a distraction.

III. General Procedures for Vehicle Flight Response Driving

A. Initiating Vehicle Flight Responses

1. Vehicle Flight Responses originating from traffic stops may be initiated when an individual who is suspected of a felony or serious misdemeanor offense is observed operating a motor vehicle.

Should a traffic stop be initiated by an officer and the vehicle flees from the stop the officer is required to determine if a response is justified. If in the officer's judgment the violation does not constitute the necessity of a response due to safety factors the officer will discontinue contact with the fleeing vehicle immediately. The officer will immediately discontinue the use of emergency equipment and turn off the roadway at the next opportunity or stop on the shoulder if no turn off is available. The officer will then notify dispatch of the fleeing vehicle's description and last direction of travel. This response will be classified as "Initiated Only" on the Vehicle Flight Report.

Vehicle Flight Responses may be continued when the individual observed is suspected of a felony or the suspect's flight to elude escape is more dangerous to the community than the risks posed by the Vehicle Flight.

2. The major factors for consideration of initiating a Vehicle Flight Response and/or the termination of said Vehicle Flight Response include the following:

- a) Safety of the public and member(s)
- b) Seriousness of the offense/violation and the danger the suspect poses to the community if not immediately apprehended
- c) Opportunity for delayed arrest of the violator
- d) Traffic density and conditions
- e) Exercising good judgment
- f) Weather and road conditions
- g) Presence of passengers
- h) Presence of pedestrians
- i) Degree of control suspect has over his vehicle
- j) Degree of danger the suspect poses through his Vehicle Flight driving practices
- k) Speed and duration of Vehicle Flight Response

3. Members initiating a Vehicle Flight Response shall immediately activate the primary devices, consisting of the blue light and siren as well as their microphone to narrate the Vehicle Flight Response while it is in progress. Additionally, if a member in an unmarked vehicle without a camera initiates a Vehicle Flight Response, the said responding member shall terminate their response when a marked police vehicle actively engages the fleeing vehicle. Members operating vehicles that are not equipped with emergency lights and sirens shall not be involved in emergency response or Vehicle Flight Response situations.

4. Members initiating a Vehicle Flight Response shall notify the Communications Center via designated police radio frequency, of the following:

- a) Unit number
- b) Reason for Vehicle Flight Response, state violation or offense
- c) Location and route of vehicle
- d) Complete description of vehicle
- e) State and number of license plate
- f) Number and sex (if possible) of occupants of vehicle
- g) Speed of vehicle
- h) Traffic volume

The primary unit shall maintain radio communications with the

Communications Center and inform the dispatcher of the Vehicle Flight Response status. The primary unit may turn radio communications over to the secondary unit upon arrival via radio communication. The pursuing member shall notify the Communications Center when the Vehicle Flight Response is terminated.

5. Communications personnel shall follow the Loudon County Standard Operating Procedure concerning "Dispatching Pursuits".

6. It is the field supervisor's responsibility to constantly and objectively monitor and evaluate the reasonableness of the Vehicle Flight Response based on the aforementioned criteria. The Vehicle Flight Response may be terminated at any time by a supervisor. A supervisor should terminate the Vehicle Flight Response when further chase is pointless or presents an unreasonable danger to members or the public. Supervisors should recognize that they may be in the best position to objectively assess the reasonableness of a Vehicle Flight Response.

7. Vehicle Flight Responses should be terminated if the location of the suspect becomes unknown.

8. Members in a second unit joining the Vehicle Flight Response shall activate emergency equipment and notify Communications to assure that no additional units

join in the Vehicle Flight Response. Vehicle Flight Responses are limited to a maximum of two units. However, under the direction of the involved field supervisor, other units should monitor the Vehicle Flight Response and may be directed toward the Vehicle Flight on parallel routes or to cover escape routes.

9. If the Vehicle Flight Response is initiated by a motorcycle unit, unmarked unit, or sport utility vehicle the unit will abandon the Vehicle Flight Response when a marked unit actively engages in the Vehicle Flight Response, unless the circumstances make this infeasible. The originating member may proceed at the legal speed limit to the termination point of the Vehicle Flight, if directed by the Supervisor monitoring the Vehicle Flight Response.

10. The primary Vehicle Flight Response member shall be responsible for broadcasting the progress of the Vehicle's Flight, controlling Vehicle Flight Response tactics, and terminating the Vehicle Flight Response. To promote a safer driving environment the primary unit may delegate radio communications to the secondary unit via radio commands.

11. Members involved in the Vehicle Flight Response shall not attempt to pass the primary unit unless authorized to do so by the primary unit. Members involved in the Vehicle Flight Response may not leave the roadway following the suspect unless in direct defense of the member's or other lives. If the suspect leaves the roadway involved members will radio last direction of travel to responding parallel units. If the responding member loses sight of fleeing vehicle the Vehicle Flight Response should be terminated. The monitoring supervisor may reinstitute the Vehicle Flight Response if necessary if the suspect vehicle is observed by paralleling units in the area.

12. Members involved in the Vehicle Flight Response will not drive off a paved surface during the Vehicle Flight Response of a suspect unless the assailant is a violent fleeing felon and the member believes that their life or the life of innocent citizens would be endangered if the suspect is not immediately apprehended.

a. When members in a Vehicle Flight Response determine that driving off of a paved surface is warranted, they shall exercise due regard for all property and life. The decision to initiate and/or continue an off road Vehicle Flight Response shall be weighed against the potential damage to private and public property, as well as the danger posed to the personal safety of members and citizens.

b. 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 provisions protect the driver from the consequences of his reckless disregard for the safety of others. (T.C.A. 55-8-108)

c. If the suspect leaves the roadway involved members will radio last direction of travel to responding parallel units.

13. Roadblocks and/or Forcible Stops

- a. Roadblocks will be established only to stop a violent felon or a suspect whose offense or violation poses an imminent danger to the community if not immediately apprehended. A roadblock should be based on strategy designed to minimize the risk of injury to citizens, suspect and members, and make the best use of available manpower and provide safety and convenience in stopping vehicles.
- b. Roadblocks shall not be established where road or weather conditions limit visibility such that the suspect and/or others cannot reasonably stop.
- c. Roadblocks should only be employed after all reasonably available means of apprehension have been exhausted.
- d. Roadblocks will be established only when specifically authorized by a supervisor. If a supervisor is involved, approval must be from a supervisor not involved in the Vehicle Flight.
- e. Roadblocks should be designed by the supervisor using Vehicle Flight Termination Devices (devices that contain numerous hollow steel spikes that deflate tires at a rapid and controlled rate). The use of Vehicle Flight Termination Devices is authorized for trained members only.
- f. Roadblocks should be deployed in areas with unobstructed views of the roadway from both directions, so as to aid in deployment and lessen the possibility of an accident.
- g. Roadblocks should be designed to maximize member as well as public safety. Consideration should be given regarding not using Vehicle Flight Termination Devices against public transportation vehicles or trucks carrying explosive or hazardous materials, unless a substantial risk to the public is imminent and apparent by not terminating the Vehicle Flight.
- h. Roadblocks should only be designed using accepted methods acquired through training conducted by the department's Training Unit. The training will include but will not be limited to deployment and safety issues concerning Vehicle Flight Termination Devices as well as Roadblock Design.

- i. Members establishing roadblocks should have a definite plan for removing innocent motorists from the danger zone and instruct them accordingly.
- j. Roadblocks are considered response to resistance and must be in compliance with the response to resistance policy of this department.
- k. A forcible stop using a vehicle to strike the suspect vehicle is considered use of deadly force. Therefore, it must meet deadly force criteria as described in General Order 1.6, "Response to Resistance".

14. A field supervisor shall respond immediately to the termination point and assume responsibility for police action at the scene. Supervisors shall conduct an investigation and provide a full written report on the Vehicle Flight Response to the Chief of Police via the Chain of Command.

15. Police vehicles transporting suspects, complainants, witnesses or prisoners shall not be involved in Vehicle Flight Responses or emergency responses. If the primary unit has a ride-a-long, that unit will drop out of the Vehicle Flight Response once a secondary marked unit takes over.

16. Members involved in any Vehicle Flight Response that passes through a signed or signalized intersection should do so only after insuring that passage can be safely made. The utmost caution should be directed toward any intersection, assuring that any oncoming traffic has stopped or slowed sufficiently enough to allow safe passage through the intersection. Members should not assume that other drivers will necessarily see and/or hear their emergency equipment, nor should they assume that other drivers will necessarily see the vehicle being pursued.

B. Appropriateness and Extent of Vehicle Flight Responses:

- 1. Members and supervisors must be constantly reassessing the reasonableness and appropriateness of a Vehicle Flight Response to determine if it should be terminated.
- 2. Cautionary Considerations - Motorists and pedestrians may have difficulty in seeing and/or hearing an approaching emergency vehicle. DO NOT assume your emergency equipment is a substitute for skilled Vehicle Flight Response driving or sound, prudent judgment.

C. Termination of Vehicle Flight Responses

1. Vehicle Flight Responses may be terminated by the involved member or the monitoring supervisor at any time. Vehicle Flight Responses shall be terminated once the risk to the members or public is greater than the benefit of apprehension of the violator. This determination will be based on the major factors listed previously in Section III.

2. In the event that a supervisor is involved in the Vehicle Flight Response as either the primary or secondary unit the responsibility for monitoring the Vehicle Flight Response shall be given to another supervisor.

3. Upon termination of Vehicle Flight Responses greater than one mile in length, the pursuing officers shall immediately discontinue the use of emergency equipment and notify the dispatcher and monitoring supervisor of their last location. The responding officers who are Primary and Secondary will then immediately pull their vehicles into a safe location and await the monitoring supervisor's arrival. Upon termination of Vehicle Flight Responses less than one mile in length for any reason other than traffic stop or collision the officers will report their termination location and take the first available opportunity to turn from the roadway they were responding on to the suspect. The supervisor will then meet with the primary Vehicle Flight Response officer at the earliest possible time to complete the Vehicle Flight Response report. If a Vehicle Flight Response less than one mile in length ends in a traffic stop or collision the monitoring supervisor is required to respond to the termination point. Vehicle Flight Response reports are required for all Vehicle Flight Responses no matter the length or duration. The Vehicle Flight Response reports must be turned in as soon as practical after proper review. The supervisor shall ensure that the Vehicle Flight Response report is submitted at the appropriate time.

4. Following termination of any Vehicle Flight Response greater than one mile in length or ending in a traffic stop or collision the monitoring supervisor shall respond to the termination point to check on the welfare of the involved members and begin their investigation of the Vehicle Flight Response.

5. Once a Vehicle Flight Response has been terminated it can only be reinitiated by the terminating supervisor and only if the risk of the public has increased since termination.

D. Inter- and -Intra- Jurisdictional Vehicle Flight Responses

1. In the event an outside agency engaged in an active Vehicle Flight Response enters the City and requests assistance, a field supervisor may authorize assisting units to respond as emergency vehicles. Member safety and the nature of the Vehicle Flight will be taken into consideration.

2. The outside agency will be requested to provide the same information our primary unit is expected to provide. If two or more units from an outside agency are

already in the Vehicle Flight Response situation, the supervisor must determine if and how K.P.D. units are utilized.

3. Members assisting outside agencies in Vehicle Flight Responses will terminate their involvement when the Vehicle Flight Response leaves this jurisdiction, unless further assistance is requested by the outside agency and authorized by a field supervisor. Members assisting outside agencies in Vehicle Flight Responses shall adhere to all departmental directives and other guidelines governing Vehicle Flight Responses.

4. In the event a Vehicle Flight Response leaves this jurisdiction, the field supervisor must ensure that the adjoining jurisdiction is notified, and that information relevant to the Vehicle Flight is provided to them. Should such a Vehicle Flight Response be terminated while in another jurisdiction, then the field supervisor must ensure that the jurisdiction in which the termination took place is notified of the termination.

5. In cases involving a serious misdemeanor offense, members will terminate the Vehicle Flight Response when leaving this jurisdiction. Jurisdiction is defined as one (1) mile beyond the city limits.

6. In cases involving a felony offense, members may continue the Vehicle Flight Response, if radio contact can be maintained and continuous Vehicle Flight Response is authorized by the field supervisor.

7. LPD officers will at all times, irrespective of their physical location, comply with the provisions of this policy regarding Vehicle Flight Responses.

IV. Regulatory Consideration

All members should become thoroughly familiar with the law regarding the operation of authorized emergency vehicles.

“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 subject to the conditions stated in this section.

1. A driver of an authorized emergency vehicle operating the vehicle in accordance with subsection (a) may:

a. Park or stand, notwithstanding other provisions of this chapter that regulate parking or standing;

- b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- c. Exceed the speed limits so long as life or property is not thereby endangered; and
- d. Disregard regulations governing direction of movement or turning in specified directions.

2. Subdivision (b) (1) 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 subdivision (b) (1) protect the driver from the consequences of the driver's own reckless disregard for the safety of others.

B. The exemptions granted under subsection (b) to a driver of an authorized emergency vehicle shall only apply when the vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that while parked or standing, an authorized emergency vehicle shall only be required to make use of visual signals meeting the requirements of the applicable laws of this state.

C. Nothing in this section shall be construed to prohibit the driver of an authorized emergency vehicle, while parked or standing, from making use of both audible and visual signals meeting the requirements of the applicable laws of this state, in the discretion of the driver.

D. An authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

E. Notwithstanding the requirement of this section that drivers of authorized emergency vehicles exercise due regard for the safety of all persons, no municipality or county nor the state or any of its political subdivisions, nor their officers or employees, shall be liable for any injury proximately or indirectly caused to an actual or suspected violator of a law or ordinance who is fleeing pursuit by law enforcement personnel. The fact that law enforcement personnel pursue an actual or suspected violator of a law or ordinance who flees from pursuit shall not render the law enforcement personnel, or the employers of the law enforcement personnel, liable for injuries to a third party proximately caused by the fleeing party unless the conduct of the law enforcement personnel was negligent and that negligence was a proximate cause of the injuries to the third party.”

V. Administrative Review of Vehicle Flight Responses

All Vehicle Flight Responses in which members engage shall be reviewed and analyzed through the officer's chain of command. The purpose of the review is to determine reasons for initiating

the Vehicle Flight Response, if it was allowed to continue what were the determining factors for its continuance, supervision of the Vehicle Flight Response, and compliance with policy. This review process goes through the officer's immediate supervisor, sergeant and Chief of Police.