

RESOLUTION 95-05

A RESOLUTION AMENDING THE POLICE MANUAL OF
THE CITY OF BELLE MEADE

BE IT THEREFORE RESOLVED, by the Board of Commissioners of
the City of Belle Meade, as follows:

Section 1. That the Police Manual of the City of Belle
Meade be and hereby is amended by substituting the existing
Chapter 7 with the new Chapter 7, attached hereto as Exhibit A.

Adopted February 27, 1995.



Mayor T. Scott Fillebrown



City Recorder Beth Reardon

CHAPTER 7

VEHICULAR PURSUIT

7.0 PURSUIT DEFINED

For the administrative purpose of the Police 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.

7.10 STATE LAW REFERENCE

Although TCA 55-8-108 provides for emergency operation of a police motor vehicle, it does not grant immunity from liability to the officer(s) or entity. It provides as follows:

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, or when responding to but not returning from a fire alarm, may exercise the privileges set forth in this section. However, the driver 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 speed limit so long as he does not endanger life or property.
 - 4. disregard regulations governing the direction of movement or turning in specified directions.
- C. The exemptions herein granted to an emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirement of applicable state laws, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the front of the vehicle.
- D. 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 they protect the driver from the consequences of his reckless disregard for the safety of others.
(Emphasis added to illustrate potential for civil liability).

7.20 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 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.

- B. A decision not to pursue is the wiser choice when the person is known, and he or 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.
 - 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 concern for the safety of the public and himself should guide him in his decision. A decision not to pursue or to break off a pursuit will not subject the officer to any disciplinary actions.

7.30 HIGH SPEED PURSUIT PROCEDURE

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

- A. A high speed pursuit is authorized when all three (3) of the following conditions exist:
 - 1. the officer has probable cause to believe 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 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 - Continuation 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 and regulations), the officer should ask himself/herself:

Do I have reasonable suspicion that the vehicle to be apprehended is not going to stop?

A: Going to stop - then continue with stop; or

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

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

Are there safer alternative means of apprehending the suspect?

A: If yes, then terminate the pursuit; or

A: If no, go to question 3.

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 passenger(s).
- (c) Identification of license plate number.

Based on the available resources of the agency, the following other alternative means of apprehension may be considered for use: _____

3. **Continuation of Pursuit:** The officer should then ask him/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?

A: If no, then terminate pursuit; or

A: If yes, then consider the risk assessment criteria set out in § 7.20 D.

Based on the reasonable judgement 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 suspects, the pursuit should be terminated.

Each officer should have available in his/her vehicle and should use the **High Speed Pursuit Checklist** card (see Appendix I) to aid in making pursuit decisions.

- C. 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.

- D. 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 shall respond to the immediate vicinity of a pursuit for the purpose of assisting in the apprehension.

E. Upon commencing pursuit, the officer shall immediately activate emergency equipment, blue lights (or blue and red lights) and siren, and make radio contact with the dispatcher and communicate the following information.

1. identity of officer's unit.
2. exact location and direction of travel.
3. description of pursued vehicle, make and model, color and year, if known.
4. tag number and state, if known.
5. number of occupants in pursued vehicle with sex, race, and approximate age, if possible.

The pursuing officer shall maintain contact with the dispatcher and keep the dispatcher and other units informed of the pursued vehicle's direction of travel.

F. When it is anticipated the pursuit will enter another jurisdiction, the appropriate police agency will be notified with all pertinent information.

G. Primary command responsibility shall rest with the dispatcher with input and direction from the department's commanding or supervisory officer on duty at the time.

1. If a supervisor orders the officer to terminate pursuit, he will immediately do so, reporting to the dispatcher the location and direction of travel of the pursued vehicle at the time of termination.
2. The pursuing officer shall constantly weigh the necessity of the pursuit, considering such factors as the safety of the public, conditions of the road, and so on. If, at any time, he feels the pursuit is a greater threat to the public safety than the offender being pursued, he will terminate the pursuit and notify the dispatcher of his decision. He then will relay the last location and direction of travel at the time of termination. The decision not to pursue or to break off a pursuit will not subject the officer to questioning or punishment.

- H. The Police unit 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.
- I. Police units should slow to a speed that would permit a stop upon approaching an intersection in case another vehicle should enter from the intersecting street. Police units should safely enter the intersection as required by T.C.A. 55-8-108.
- J. Intentional contact between the police unit and the pursued vehicle (bumping and ramming) will not be tolerated 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.
- K. Roadblocks shall not be placed on any street or thoroughfare within the city unless the roadblocks are ordered by a supervisory officer in charge. Private vehicles shall not be commandeered for the use of any roadblock. Roadblocks are used only to slow down the pursued vehicle, not to stop it; therefore, a channel or avenue of escape must be left open. All approaching traffic must be advised of the roadblock and kept a safe distance away.
- L. 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 or a citizen. In all cases, every precaution shall be taken to ensure the safety of the general public in the vicinity.
- M. High speed pursuit is not recommended when the police vehicle is occupied by other than law enforcement officers. Any non-law enforcement officer in the unit should be let out or transferred to another unit before initiating high speed pursuit.
- N. Any officer who participates in a pursuit shall, prior to going off duty at the end of his shift, document the fact in report form to be submitted to his immediate supervisor and forwarded to the chief of police and CEO.

7.40 PURSUIT REPORTS

Following each pursuit incident, each officer involved shall complete and file the department's Pursuit Report (included at Appendix II). The involved officers' supervisor(s) shall review the report(s) and file a summary review.

Appendix I. High Speed Pursuit Checklist Card.

HIGH SPEED PURSUIT CHECKLIST

After the initial attempt to make a vehicular stop has failed, ask yourself the following questions to determine whether to pursue this vehicle:

1. Are there safer alternative means of apprehending the suspect other than pursuit?
If **YES**, discontinue pursuit.
If **no**, go on to question 2.

2. Do I have probable cause to believe an occupant of the vehicle has committed or will commit a felony involving violence to a person?
If **NO**, discontinue pursuit.
If **yes**, pursuit may be undertaken as long as risk factors (e.g., speed, area, weather and road conditions, pedestrians and other traffic, etc.) do not cause risk to public to outweigh benefit of catching suspect. Immediately notify supervisor.

Appendix II. Pursuit Report

<u>PURSUIT REPORT</u>						
case number	officer	date	time			
Location of Pursuit		Approximate time pursuit began: Ended:				
witnesses	address/phone					
suspect	height	weight	race	sex	d.o.b.	
suspect address/phone						
Reasons for pursuit:						
Results of Pursuit:						
Brief listing of known personal injuries or property damage that ensued:						
Officer Signature			Supervisor Signature			