

KINGSPORT POLICE DEPARTMENT

GENERAL ORDER



SUBJECT: Response Operation of Vehicles	NO. 510.1
EFFECTIVE DATE: May 3, 2021	NO. OF PAGES: 5
AS#: 41.2.1	NEW, AMENDS: September 1, 2017

I. PURPOSE

- A. To establish guidelines for an appropriate response while operating an emergency vehicle.

II. DEFINITIONS

A. Emergency Incident

An incident where there is a high probability of death or serious bodily injury to a person, or the substantial loss of property and immediate action by a law enforcement officer may avert or reduce the seriousness of the incident. Emergency incidents may also include the necessity of apprehending an offender who has caused, attempting to flee, or is likely to have caused an incident.

B. Pursuit/Tactical Driving

Special driving techniques such as special braking, steering, and acceleration that cause a police vehicle to perform and maneuver, contrary to regular safe driving habits, in an effort to overtake other vehicles or expedite the officer's arrival to an incident/situation.

C. Authorized Emergency Vehicle

A vehicle which has been designated by the Chief of Police and has been properly equipped with emergency lights and siren.

D. Due Regard

The degree of care that is necessary to prevent one's act from creating an unreasonable risk of harm to self or another.

III. CLASSIFICATION OF RESPONSES

- A. All emergency vehicle responses shall be conducted in strict accordance with existing state statutes. Only marked and unmarked police vehicles, which have been designated as such by the Chief of Police and equipped with emergency lights and sirens, may engage in emergency vehicle responses.
 - 1. **Non-Emergency Response** - Officers shall respond directly to the call/incident while adhering to all traffic laws, proceeding safely and with due caution.
 - 2. **Emergency Response**- Officers shall respond promptly and safely to the incident while continually utilizing both blue lights and siren to signal other drivers, passengers, and pedestrians. Response speeds shall not be excessive or cause a lack of due regard to the motoring public, but shall be within a professionally responsible limit and consideration will be given as to the roadway/weather conditions, traffic volume, the seriousness of the call/incident, and any other factor that may affect the safe operation of the vehicle. Speeds which could be considered excessive shall be limited to situations where the imminent loss of life or serious physical harm are likely. The dangers of driving at such a speed shall not outweigh the danger presented by the situation creating the emergency response; thus the speed utilized will require ample justification and are subject to review. There are no tasks of such importance that they justify the reckless disregard for the safety of any persons.
- B. Non-emergency responses should be utilized when responding to routine calls/incidents that are of no immediate threat to life and/or property. Examples of such incidents may include, but are clearly not limited to:
 - 1. Minor crimes, already occurred.
 - 2. Service calls, non-crime related.
 - 3. Traffic collisions without injury
 - 4. Intoxicated persons, etc.
- C. Emergency Responses should be utilized for calls/incidents that require immediate attention and involve the likelihood of death, serious bodily injury, or substantial loss of property. Examples of such incidents may include, but are obviously not limited to:

1. Officer needing assistance/officer down.
 2. Felonies in progress such as homicide, robbery, rape, aggravated assault, burglary, etc.
 3. Serious events/situations such as fires, weather disasters, or other incidents where the likelihood of death, serious bodily injury, or loss of property may occur.
 4. Traffic collisions with injury
 - a. Deciding to respond in an emergency posture by the primary unit should be largely based on the location of the collision in relation to the closest first responder station (Fire or EMS).
- D. Although adverse reaction may result from the use of lights and sirens in residential areas, particularly at night, the safety of officers and the public is not abridged by the time of day and far outweighs any inconveniences which may occur.
- E. Officers shall exercise sound judgement and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all intersections, manned construction zones, heavily populated areas, etc., to such a degree that complete control of the vehicle is without question.
- F. The decision to continue an emergency response is at the discretion of the responding officer. If, in the officer's best judgement, the roadway conditions, traffic volume, etc. does not permit such a response without unreasonable risk, the officer may elect to downgrade the emergency response and proceed at the posted legal speed limit. In such an event, the officer should notify Central Dispatch of the decision. An officer may also be downgraded in response by the immediate supervisor.
- G. Supervisors shall monitor responses to emergency calls to ensure compliance with department policy, ensure officer and public safety, and maintain an efficient department responses to emergency events.
- H. A non-emergency response may be upgraded by supervisors or the responding officer, depending on changes in prevailing circumstances as reported by Central Dispatch or other sources. In such cases, the choice of the upgraded response shall be based on factors such as the remaining distance the officer must travel, traffic conditions, type of incident, risk of emergency response, etc.
- I. Officers responding to any call shall be prohibited from utilizing emergency response if the vehicle being operated is not properly equipped and designated as an emergency vehicle.

IV. **STATE LAW - TCA 55-8-108 - AUTHORIZED EMERGENCY VEHICLES**

- A. Officers shall adhere to and operate emergency vehicles in compliance with TCA-55-8-108 which states:
1. 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 herein stated.
 2. The driver of an authorized emergency vehicle may
 - (a) Park or stand, irrespective of the provisions of this chapter;
 - (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 he does not endanger life or property;
 - (d) Disregard regulations governing direction of movement or turning in specified directions.
 3. The provisions of section 2 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 the driver's own reckless disregard for the safety of others.
 4. *The exemptions herein granted to an authorized emergency vehicle shall apply **only when such 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 law of this state.
 5. 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.
 6. Notwithstanding the requirement of this section that drivers of authorized emergency vehicles exercise due regard for the safety of all persons, no municipality, no county nor the state, nor 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 such pursuit shall not render the law enforcement personnel, or his or their employers, liable for injuries to a third party proximately caused by the fleeing party unless the law enforcement personnel were negligent in his or their conduct and such negligence was a proximate cause of the injuries to the third party.

V. EMERGENCY VEHICLE OPERATION AND COLLISIONS

In the unfortunate event of a traffic collision as the direct or indirect result of an emergency response, a first-line supervisor shall be notified immediately. A member of the Executive staff shall also be notified as soon as possible. A written report shall immediately follow and forwarded thru the chain of command.

VI. TRAINING

The Professional Standards Unit shall conduct initial and annual training on Emergency Vehicle Operation as outlined in these General Orders.

So ordered, this 3rd day of May, 2021.



Dale Phipps
Chief of Police