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Law Enforcement

GENERAL ORDERS

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TITLE: PURSUITS AND EMERGENCY RESPONSE

CHAPTER: GENERAL ORDER 3

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PURPOSE

The purpose of this General Order is to establish procedures that sworn members of the Division are to follow when engaged in an emergency response or pursuit.

2

POLICY

It is the policy of the Division to assist sworn members in the safe and legal performance of their duties when engaged in pursuits or emergency responses.

It is also the policy of the Division to establish specific guidelines and training for emergency response or pursuit driving that will contribute to public safety and facilitate apprehension of violators. This policy is intended to balance the two objectives and to assist the sworn member in making decisions during the course of such incidents. Each decision must be based upon the totality of circumstances involved in each emergency response or pursuit.

3

DEFINITIONS

3.1

EMERGENCY RESPONSE - An actual emergency exists or is believed to exist. Examples: vehicle or vessel accidents involving serious injury, law enforcement officer needing assistance, or other similar events.

3.2

EMERGENCY CONVEYANCE - An authorized law enforcement vehicle as defined in section 316.003, Florida Statutes or a law enforcement vessel as that term is used in section 327.33, Florida Statutes.

3.3

PRIMARY PURSUIT - The emergency conveyance that initiates a pursuit or any emergency conveyance that assumes control of the pursuit as the lead patrol vehicle or vessel.

3.4

PURSUIT - The operation of an emergency conveyance by a sworn member to apprehend one or more occupants of a moving vehicle or vessel when the operator or occupant(s) of such is an actual or suspected violator of the law and the operator or occupant(s) is reasonably thought to be violent or to pose a danger to the public.

3.5

RESPONSE CODES

3.5.1

Code 1 - This category includes calls that require emergency rapid response by the sworn member to prevent loss of life or serious injury, or crimes that involve in-progress violent felony offenses.

3.5.2

Code 2 - This category includes calls that require a rapid non-emergency response to prevent repeat violence, or arrest wanted persons or suspects in the area of the crime.

3.5.3

Code 3 - This category includes non-priority calls that require a general, non-emergency response for incidents that are not in-progress and are delayed in nature.

3.6

SECONDARY OR SUPPORT PURSUIT - The operation of an emergency conveyance by a sworn member in assistance of a pursuit.

4

RESPONSIBILITIES

4.1

SWORN MEMBER'S RESPONSIBILITIES DURING PURSUITS

4.1.1

A sworn member in or upon an authorized emergency conveyance may initiate or join a pursuit upon the reasonable belief that the operator or an occupant of the vehicle or vessel to be pursued has committed a felony or a violation that presents a clear danger to the public.

4.1.1.1

A sworn member may also initiate pursuits for other violations, including civil infractions when such pursuits can be conducted without presenting a significant risk to the pursuing sworn member, the violator, or the public. The act of fleeing, whether by itself or resulting from a stop for a minor violation, shall not be the determining factor to initiate or continue a pursuit.

4.1.2

A sworn member must continuously balance the seriousness of the offense and the potential danger to life and property created by a pursuit or overtaking situation with the likelihood of apprehending the suspect all while operating with due regard for public safety. In making the decision to initiate or continue a pursuit or overtake, a sworn member shall consider the following factors:

4.1.2.1

Nature and seriousness of the offense and likelihood of future danger to the public.

4.1.2.2

The number of suspects and any known propensity for violence.

4.1.2.3

The time of day, number of pedestrians, swimmers, divers, snorkelers, and other civilians.

4.1.2.4

Other vehicle or vessel traffic present.

4.1.2.5

The sworn member's training and experience in vehicle pursuit driving or vessel pursuit operation. Division training in pursuit tactics is required prior to engaging in a pursuit or an emergency response.

4.1.2.6

The sworn member's training and experience with the type of emergency conveyance being operated.

4.1.2.7

The condition and performance capabilities of the pursuit emergency conveyance.

4.1.2.8

The sworn member's familiarity with the area in terms of the sworn member's ability to accurately notify the communications center of the location and direction of the pursuit.

4.1.2.9

The sworn member's ability to maintain continuous contact with the Division's communication center.

4.1.2.10

Road, sea, visibility and weather conditions.

4.1.2.11

Possibility of identification and later apprehension of suspect(s).

4.1.2.12

Availability of other law enforcement units to assist in the pursuit to include air units.

4.2

AVIATION UNIT RESPONSIBILITIES

4.2.1

When the Aviation Unit arrives, it becomes the primary pursuit unit. Emergency conveyance primary pursuit and support units shall then restrict radio communications, decrease speed, and follow at a safe distance.

4.2.2

The Aviation Unit shall be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to sworn members and supervisory personnel.

4.2.3

When a ground pursuit is terminated the Aviation Unit will continue to boardcast the direction of travel and other pertinent information. Sworn members will proceed in a routine patrol mode and position themselves for apprehension once the vehicle or vessel has stopped.

4.2.4

The Aviation Unit will fly at a safe altitude as determined by the pilot and maintain a sufficient distance to avoid alerting the operator of the fleeing vessel or vehicle to its presence.

4.2.5

The pilot and the sworn supervisor have the authority to terminate the aircraft pursuit.

5

PROCEDURES

5.1

SWORN MEMBER'S PROCEDURES DURING PURSUITS

5.1.1

The sworn member shall immediately notify the communications center of their intention to pursue. The sworn member shall clearly provide the communications center with the following information:

5.1.1.1

Location, speed, and direction of travel of the fleeing vehicle or vessel.

5.1.1.2

Specific reasons for the pursuit including identifying the offense which the operator or occupant is accused of committing.

5.1.1.3

Description and license or registration number, if known, including any information which would aid in identification of the vehicle or vessel.

5.1.1.4

Number of occupants in the fleeing vehicle or vessel and, where possible, any descriptions which would aid in identification.

5.1.2

Once a pursuit has been initiated, the sworn member shall:

5.1.2.1

Operate the emergency warning lights and siren during the duration of the pursuit.

5.1.2.2

Low beam headlights or wigwag lights shall be turned on during daylight hours for added visibility.

5.1.2.3

Not use four-way flashers if they interfere with brake lights and turn signals.

5.1.3

Any emergency conveyance which sustains damage to, or failure of, essential equipment (lights, siren, mechanical) shall not continue in the pursuit. The sworn member shall notify the communications center that they are discontinuing pursuit due to equipment difficulties.

5.1.4

The primary pursuit or initiating emergency conveyance shall reduce the level of pursuit to that of secondary or support when:

5.1.4.1

The fleeing vehicle or vessel comes under the surveillance of an air unit; or

5.1.4.2

Another emergency conveyance has assumed primary pursuit responsibility.

5.1.5

High center of gravity patrol vehicles should relinquish primary pursuit to standard pursuit vehicles during on-road pursuits, if available.

5.1.6

Unmarked emergency conveyance should only be used in pursuits until a marked unit can assume primary pursuit.

5.1.7

All emergency conveyances monitoring the pursuit shall switch to the appropriate channel when designated by the communications center.

5.1.8

The decision to pursue a vehicle or vessel rests with the individual sworn member but that decision may be reversed by any sworn supervisor at any time.

5.1.9

Pursuits shall not be initiated in densely populated or congested areas.

5.1.10

Pursuits shall be terminated prior to entering any densely populated or congested areas.

5.1.11

Traffic infractions, registration violations, and numbering violations are not to be pursued.

5.1.12

Pursuits while towing boats, trailers, or any other item are prohibited.

5.1.13

ATVs shall not be used in pursuits.

5.1.14

PWCs shall not be used in pursuits unless they are properly equipped (lights and siren) and the sworn member has been properly trained.

5.1.15

In no case shall more than two emergency conveyances engage in pursuit of a suspect vehicle or vessel at the same time without supervisory approval. These emergency conveyances will be designated as the primary and secondary pursuit emergency conveyances. Unless

otherwise directed, the secondary emergency conveyance responsibilities shall be to remain a safe distance behind the primary emergency conveyance and handle radio transmission. Other emergency conveyances may be used as support units when deemed necessary and assigned by a sworn supervisor.

5.1.16

Sworn members shall not pursue violators to the point of exhausting their fuel supply.

5.1.17

Sworn members shall, under no circumstances, pursue violators the wrong way on any interstate, highway, road, or street.

5.1.18

Division emergency conveyances that contain non-sworn personnel shall not become involved in pursuits.

5.2

COMMUNICATIONS CENTER PROCEDURES DURING PURSUITS

5.2.1

Upon notification that a pursuit is in progress, the duty officer shall:

5.2.1.1

Immediately notify a sworn law enforcement supervisor.

5.2.1.2

Receive and record all information on the pursuit situation and the pursued vehicle or vessel.

5.2.1.3

Coordinate all radio communications and clear the radio channel(s) of all non-emergency calls.

5.2.1.4

Coordinate and dispatch back-up and support assistance under the direction of a sworn supervisor.

5.2.1.5

When requested by a pursuing sworn member or a supervisor, obtain criminal records and vehicle or vessel checks on the suspect(s).

5.2.1.6

Notify all relevant agencies of the active pursuit.

5.3

SWORN SUPERVISOR'S PROCEDURES DURING PURSUITS

5.3.1

Upon notification that a pursuit is occurring, a sworn supervisor shall assume responsibility for monitoring and control of the pursuit and its progress.

5.3.2

A sworn supervisor shall evaluate the circumstances surrounding the pursuit, decide whether it should continue, and advise the pursuing sworn member. If the sworn member(s) is allowed

to continue, the sworn supervisor shall continue to monitor and evaluate the pursuit and may cancel it at any time. Additionally, any sworn supervisor of higher rank may, upon evaluating the circumstances, order the pursuit terminated.

5.3.3

A sworn supervisor shall evaluate the justification for continuing the pursuit based on the same criteria as sworn members but shall terminate the pursuit if at any time he or she determines that the pursuit is being carried out in a negligent manner.

5.3.4

A sworn supervisor shall respond to the scene of a terminated pursuit if an accident occurs, or as otherwise requested.

5.3.5

In controlling the pursuit, a sworn supervisor should be responsible for coordination of the pursuit as follows:

5.3.5.1

Directing emergency conveyances into or out of the pursuit;

5.3.5.2

Designation of primary, secondary, or support emergency conveyances;

5.3.5.3

Approval or termination, and coordination of pursuits; and

5.3.5.4

Approval to leave the jurisdiction to continue a pursuit.

5.3.6

The sworn supervisor may approve and assign additional support units to assist the primary and secondary pursuit units based on an analysis of:

5.3.6.1

The nature of the offense for which the pursuit was initiated;

5.3.6.2

The number of suspects and any known propensity for violence;

5.3.6.3

The number of sworn members in the pursuit;

5.3.6.4

Any damage or injuries to the assigned emergency conveyances or sworn members;

5.3.6.5

The number of sworn members necessary to make an arrest at the conclusion of the pursuit; and

5.3.6.6

Any other pertinent facts that would warrant the increased hazards caused by additional pursuit emergency conveyances.

5.4

PURSUIT TACTICS

5.4.1

Unless expressly authorized by a sworn supervisor, pursuits shall be limited to the assigned primary and secondary emergency conveyances. Sworn members other than primary or secondary are not permitted to join the pursuit.

5.4.2

All pursuit emergency conveyances shall maintain a reasonable and safe following distance.

5.4.3

ROADBLOCKS, RAMMING, RUNNING ROADBLOCKS AND BOXING-IN

5.4.3.1

Are prohibited activities during vehicle pursuits.

5.4.3.2

In vessel pursuits, sworn members must be legally justified in using deadly force. The use of ramming or boxing-in to apprehend a fleeing felon may be authorized when all of the following conditions are met:

5.4.3.2.1

The sworn member believes the use of deadly force is necessary to prevent the apprehension of the suspect from being defeated by flight and the sworn member has given some reasonable warning and the sworn member believes that the fleeing felon poses a threat of death or serious physical harm to the sworn member or others or the sworn member reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person as referenced in section 776.05, Florida Statutes; and

5.4.3.2.2

Every other reasonable method of apprehension has failed; and

5.4.3.2.3

Emergency lights, sirens and other warning devices are activated to warn the public of the emergency and allow the suspect conveyance an opportunity to stop safely; and

5.4.3.2.4

Approval to ram or box-in has been given in advance by a sworn supervisor; and

5.4.3.2.5

The ramming or the boxing-in will occur at a time and place, and in a manner that public safety is not unreasonably endangered.

5.5

TERMINATION OF PURSUIT

5.5.1

Pursuits may be terminated at any time by the pursuing sworn member, a sworn supervisor, or sworn supervisor of higher rank in accordance with this policy.

5.5.2

A sworn member shall terminate pursuit when:

5.5.2.1

Necessary evidence can be secured, and the violator can be identified for later apprehension and is not a threat to the public.

5.5.2.2

No sworn supervisor can be contacted to approve the pursuit's continuation; or

5.5.2.3

A sworn supervisor orders the pursuit terminated; or

5.5.2.4

The seriousness of the crime does not warrant the risk to the public, suspect or member; or

5.5.2.5

The distance between the pursuit and fleeing conveyance is so great that further pursuit is futile; or

5.5.2.6

Contact with the suspect is lost; or

5.5.2.7

Continuous radio contact with the communications center cannot be maintained; or

5.5.2.8

Road, sea, time of day, weather, or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect.

5.5.3

The pursuing sworn member shall inform the communications center when the pursuit has been terminated and shall provide any other information which may assist in apprehending the suspect at a later date.

5.6

INTER-JURISDICTIONAL PURSUITS

5.6.1

A sworn member may pursue a fleeing suspect outside the boundaries of the state when in fresh and continuous pursuit as outlined in section 901.25, Florida Statutes.

5.6.2

The pursuing sworn member shall immediately notify the communications center when it appears likely that a pursuit will continue into a neighboring jurisdiction.

5.6.3

Upon notification by the pursuing sworn member, the duty officer shall contact the law enforcement agency within the pursuit jurisdiction to advise the status of the pursuit and the known charge(s) against the suspect. The duty officer shall also notify a sworn supervisor and provide updates on the progress of the pursuit.

5.7

PURSUITS INITIATED BY OTHER AGENCIES

5.7.1

Upon receiving notification by another law enforcement agency that a pursuit is in progress, the duty officer shall immediately attempt to ascertain the reason for the pursuit. Whenever

possible, information regarding specific law violations should be obtained. The duty officer will then advise all units in the pursuit area and a sworn supervisory member.

5.7.2

If pursuit assistance is requested, a sworn supervisor shall grant or deny the request.

5.8

TRAFFIC REGULATIONS DURING PURSUITS

5.8.1

The sworn member may engage in the following vehicle operations during pursuits:

5.8.1.1

Exceed the speed limit but only after weighing the risk of danger to life and property and considering whether such action is safe given road, weather, traffic, time of day, and other environmental conditions.

5.8.1.2

Proceed past a stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation. In every case, the sworn member will ensure that the flow of cross-traffic has yielded in each lane before attempting to cross that lane.

5.8.2

A sworn member shall wear the seatbelt/shoulder harness at all times when in pursuit.

5.8.3

The provisions of this policy shall not relieve the operator of an emergency law enforcement vehicle from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

5.9

VESSEL REGULATIONS DURING PURSUITS

5.9.1

The vessel's occupants shall wear life jackets at all times when in pursuit.

5.9.2

The sworn member may engage in the following emergency vessel operations during pursuits:

5.9.2.1

Exceed the posted speed zone limits, or other regulatory zone limits, but only after weighing the risk of danger to life and property and considering whether such action is safe given sea, weather, traffic, time of day, obstructions present on waterways, and other environmental conditions.

5.9.2.2

Disregard navigation rules after considering the likelihood of injury or damage to life or property and only when it is safe to do so.

5.9.3

The provisions of this policy shall not relieve the operator of an emergency law enforcement vessel from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

5.10

REPORTING OF EMERGENCY CONVEYANCE PURSUITS

5.10.1

At the conclusion of a pursuit, participating sworn members shall complete a Division Incident Summary report. The report shall be reviewed by a law enforcement supervisor and submitted to the appropriate Regional Commander for signature. The Incident Summary report shall then be forwarded to the appropriate Bureau Chief at GHQ.

5.11

DETERMINING AND ASSIGNING RESPONSE MODES TO CALLS FOR ASSISTANCE

5.11.1

Sworn supervisors are responsible for monitoring response modes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes.

5.11.2

If a sworn member wishes to initiate the emergency vehicle or vessel response mode in response to a sudden occurrence unbeknown to communications personnel, field supervisors, or the commanding officer, or to upgrade a routine response assignment, the sworn member shall inform communications personnel as soon as possible of:

5.11.2.1

The nature of the situation or violation, and

5.11.2.2

The location and destination of the field unit.

5.12

OPERATIONS OF VEHICLES OR VESSELS DURING EMERGENCY RESPONSE MODE

5.12.1

When responding to an emergency call involving violence or the threat of violence to the sworn member or another person, or to a similar life threatening situation, the sworn member may engage in the following emergency conveyance operations:

5.12.1.1

Exceed the speed limit, speed zone, or regulatory zone but only after weighing the risk of danger to life and property and considering whether such action is safe given road, sea, weather, traffic, and other environmental conditions.

5.12.1.2

Proceed past a stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation. In every case, the sworn member will ensure that the flow of cross-traffic has yielded in each lane before attempting to cross that lane.

5.12.1.3

Disregard navigation rules after considering the likelihood of injury or damage to life or property and only when it is safe to do so. (s. 327.33(3)(c), F.S.).

5.12.2

In the event of an equipment failure that could result in the unsafe operation of the emergency conveyance during an emergency response mode, such emergency response mode shall be terminated and the communications center notified.

5.12.3

Sworn members shall not escort civilian vehicles above posted speeds or contrary to traffic signals. Sworn members may render assistance until appropriate personnel are on the scene. Under exigent circumstances, sworn members may transport victims to medical aid if that would bring medical aid quicker than waiting for medical personnel.

5.12.4

The siren and blue lights shall be used in the event of a valid or reported emergency, stopping a suspected violator, or at the scene of an accident. When it is necessary to use a emergency conveyance to block a road, the emergency lights shall be used.

5.12.5

The provisions of this General Order shall not relieve the driver of a Commission vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver of a police vehicle from the consequences of careless disregard for the safety of others (s. 316.072 (5), F.S.).

5.13

USE OF EMERGENCY WARNING DEVICES WHILE IN EMERGENCY RESPONSE MODE

5.13.1

During an emergency response, emergency lights and siren shall be activated.

5.13.2

When responding in the emergency mode, the headlights on the emergency vehicle shall be activated to augment the emergency vehicle's visibility.

5.13.3

During an emergency response, if four-way flashers interfere with brake lights and turn signals, they shall not be used.

5.13.4

The spotlight shall at no time be directed at the windshield or vision of oncoming vehicles or vessels.

5.13.5

When responding in an emergency response mode, emergency signal devices may be deactivated when at a distance from the scene (to be determined by the sworn member) so as to not alert subjects to law enforcement proximity.

5.13.6

In no event shall a sworn member operate an emergency conveyance contrary to the traffic laws of this state unless emergency lights and siren are activated.

5.14

DISCRETIONARY USE OF EMERGENCY WARNING DEVICES

5.14.1

Sworn members may activate emergency signal devices when required to assist in handling any perceived emergency situation. The sworn member shall advise communications personnel of the nature of the emergency and the emergency response mode that has been taken.

5.14.2

Audible or visible warning devices should be used to make notice of intent to stop a vehicle or vessel and to provide a safe environment for the vehicle or vessel operator, sworn member, and the public.

5.14.3

In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow sworn member, a sworn member may activate emergency warning devices to allow orderly and safe transit through congested roads or waterways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:

5.14.3.1

Using emergency lights as "beacons" to protect disabled vehicles or vessels; or

5.14.3.2

Using emergency lights when it is necessary to use Division conveyances as protective barriers.

5.14.4

Operators of emergency conveyances shall deactivate emergency warning devices as soon as possible.

5.15

RESPONSE TO CALLS - Sworn members responding to calls for service not requiring an emergency response shall obey all traffic or boating laws, whichever is applicable. Emergency lights and siren will not be utilized during the response.

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