


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT USE OF VEHICLES IN PATROL/PURSUIITS	POLICY NUMBER 17.05
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17.05.01 PURPOSE

The purpose of this policy is to establish guidelines which members of this Division are required to follow when engaged in an emergency response, overtaking or pursuit situation.

17.05.02 POLICY

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of this Division to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the Division to assist members in the safe performance of their duties. To effect these obligations, it shall be the policy of the Division to strictly regulate the manner in which vehicular pursuit is undertaken and performed.

Members are authorized to pursue suspects who are reasonably thought to be violent and pose a danger to the public at large. Therefore, members may pursue a suspect only if the member reasonably believes the suspect has committed or attempted to commit a crime of violence. **ALL OTHER PURSUIITS ARE PROHIBITED.**

17.05.03 DEFINITIONS

- A. **BOXING IN** - In the course of a pursuit, a deliberate offensive tactic by two or more patrol vehicles to force a pursued vehicle in a specific direction, or to force the pursued vehicle to stop or reduce speed accomplished by the maneuvering into place, while moving, of patrol vehicles in front of, behind, or beside the fleeing vehicle.
- B. **CARAVANNING** - In the course of a pursuit, the following and direct participation in a pursuit by unauthorized patrol vehicles.
- C. **CONTACT** - In the course of a pursuit, a deliberate offensive tactic by one or more patrol vehicles to make deliberate contact anywhere against the pursued vehicle in an attempt to force the pursued vehicle to stop or reduce speed.

- D. CRIMES OF VIOLENCE - Any felony involving the commission of a violent act or situations in which there is reasonable cause to believe that serious physical harm or death might be inflicted upon another person.
- E. EMERGENCY RESPONSE SITUATION - Incidents in which an actual emergency exists or is believed to exist. Examples: traffic crashes involving serious injury, police officer needing assistance, armed robbery in progress, or other such events.
- F. FELONY - Felony shall mean any criminal offense that is punishable under the laws of this State, by death or imprisonment in a state penitentiary (Section 775.08(1), Florida Statutes).
- G. FOREIGN JURISDICTION - Any state other than the State of Florida.
- H. INCLEMENT WEATHER - Rain, fog, smoke, ice or other climatic conditions that would affect the safe operation of a patrol vehicle.
- I. INTERCEPTING - The activation of emergency lights and/or siren at the discretion of the member to make notification of a patrol car presence and to cause the violator to stop as quickly and safely as possible.
- J. LIFE THREATENING SITUATION - Any situation in which serious bodily harm or death could result.
- K. MODE - A method or manner of operation.
- L. OVERTAKING - The active attempt by a member to catch up to and stop a traffic violator before there is recognition by the violator that the member is attempting to stop him.
- M. PARALLELING - In the course of a pursuit, a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion or the following of a pursuit in progress by driving on roads and streets that parallel the road or street on which the fleeing vehicle and pursuing patrol vehicles are traveling.
- N. PRIMARY PURSUING VEHICLE - The patrol unit that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).
- O. PURSUIT - An active attempt by one or more members to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or driving on the wrong side of a roadway.
- P. PURSUIT POLICY COMPLIANCE REVIEW - A review by the troop commander and appropriate bureau chief of pursuit policy compliance by all affected members and communications personnel.

- Q. PURSUIT TERMINATION DEVICE - A device that, when driven over, is designed to puncture and deflate a vehicle's tires at a controlled rate.
- R. RAMMING - A deliberate act by the driver of vehicle to forcibly strike another vehicle in an attempt to stop or disable the other vehicle.
- S. ROADBLOCK - Any method, restriction (including a partial restriction), or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a highway in order to effect the apprehension of an actual or suspected violator in a motor vehicle, including a rolling roadblock.
- T. ROLLING ROADBLOCK - A patrol vehicle moving in the same direction but in front of and deliberately slowing or attempting to slow the speeding violator by use of the patrol vehicle.
- U. SERIOUS BODILY INJURY - Only that injury that would involve severe tissue damage, major broken bones, major disfigurement or permanent paralysis.
- V. SUPERVISOR - Refers to any supervisor of the Florida Highway Patrol.
- W. SURVEILLANCE MODE - The following of a violator at the legal speed limit for the purposes of monitoring direction of travel and relaying information.
- X. TRAFFIC VIOLATOR - A person who has committed a traffic infraction, misdemeanor, or felony involving a traffic offense.
- Y. TRAFFIC VIOLATIONS - Includes infractions, reckless driving and attempting to elude a police officer and other offenses related to traffic including but not limited to driver license violations of Chapter 322, violations of Chapter 316, and violations of Chapter 320, Florida Statutes.
- Z. UNMARKED POLICE VEHICLE - Any police vehicle that is equipped with emergency equipment but not marked with distinctive emblems and/or colors.

17.05.04 OBJECTIVES

To establish specific guidelines for emergency and pursuit driving that will contribute to public safety and facilitate apprehension of violent offenders. This policy is intended to balance the two objectives and to assist the member in making decisions during the course of such incidents. Each decision must be based upon the conditions and circumstances existing at the time. Ultimately, the test will be the "reasonableness" of the course of action taken.

17.05.05 PROCEDURES

A. RESPONSE TO CALLS

1. Members responding to calls for service not requiring an emergency response shall obey ALL traffic laws including applicable speed limits. Emergency lights and siren will not be utilized during the response. However, if the incident to which the member is responding has created traffic congestion, the member may drive on the shoulder or between traffic lanes using due care and at no more than 15 MPH. Emergency lights and/or siren will be utilized during such movement through traffic congestion.
2. Members engaged in an emergency response situation are not relieved from the duty to drive with due regard for the safety of all persons, nor shall the provisions of Section 316.072, Florida Statutes, protect the member from the consequences of his/her reckless disregard for the safety of others. Additionally, all members engaged in any emergency response situation shall comply with the following procedures.
 - a. Immediately engage emergency lights and/or siren, which shall remain engaged throughout the emergency response.
 - b. Stop for all stop signs and red traffic lights and proceed only after all other vehicles have yielded the right-of-way.
 - c. Speed should not exceed 15 MPH over the posted speed limit unless circumstances exist that would provide for the safe operation of the patrol unit at higher speeds and the gravity of the situation so warrants. Speed entering and exiting a toll booth shall never be greater than 15 MPH.
 - d. In the event of an equipment failure that could result in the unsafe operation of the patrol vehicle during an emergency response mode, such emergency response mode shall be terminated and the communication center notified.

B. OUT-OF-STATE EMERGENCY RESPONSES

Upon request by a foreign jurisdiction, members may respond to an emergency incident upon authorization of a supervisor. All procedures covered in Section 17.05.05(A) governing emergency response shall be strictly adhered to.

C. OVERTAKING / INTERCEPTING

A member engaged in overtaking or intercepting a violator shall adhere to the following procedures:

1. Overtaking Confirmed Violators

When overtaking a confirmed violator, the member will determine the appropriate time and location to make his/her presence known by activating emergency lights and/or siren in order to effect the traffic stop.

2. Intercepting Violators

a. Upon turning on a violator on a multi-lane divided or undivided roadway, the member shall determine the appropriate time and location in which to activate emergency lights.

b. Upon obtaining sufficient evidence of a violation, the member shall stop the violator as soon as practical.

D. PURSUITS

Members may pursue, attempt to stop and apprehend as expeditiously and safely as possible, any person in a vehicle who the member reasonably believes has committed or attempted to commit a crime of violence. **ALL OTHER VEHICULAR PURSUITS ARE PROHIBITED.**

1. Immediately upon initiating a pursuit, the member shall notify the communications center.

2. The member or supervisor must terminate the pursuit when hazards created by the pursuit outweigh the necessity for immediate apprehension.

3. In the event of an equipment failure that could result in the unsafe operation of the patrol vehicle during a pursuit situation, such pursuit shall be terminated.

4. At anytime a pursuit is discontinued, the communications center is to be notified.

E. BACKUP UNIT

Only the primary and one backup vehicle shall be authorized for direct participation in a pursuit. However, a supervisor may authorize more than two units to be in active pursuit.

1. The backup unit, upon joining the pursuit, shall be immediately identified as such to the communications center. If the primary unit is a one-person unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to his driving.
2. The backup unit will maintain a safe distance behind the primary unit and remain close enough to render assistance if required. A backup unit shall not attempt to pursue or assume control unless the primary unit drops out or such action is directed by a supervisor.

F. COMMUNICATIONS CENTER RESPONSIBILITIES

Duty officers shall perform the following function during a pursuit:

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Immediately notify a supervisor when a pursuit is initiated. In the absence of an on-duty supervisor, the duty officer shall locate and notify a supervisor of the pursuit as soon as possible.
3. Clear the radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information.
4. Advise other agencies of the pursuit and whether assistance is needed or is not needed.
5. Perform relevant record and motor vehicle checks.
6. Control all radio communications during the pursuit.
7. Coordinate assistance under the direction of the supervisor.
8. Continue to monitor the pursuit until it has been terminated.

G. SUPERVISORY RESPONSIBILITIES

Supervisory responsibilities during a pursuit are outlined as follows:

1. Upon being notified or becoming aware of the pursuit, the supervisor shall take command and determine the following:
 - a. Whether the pursuit should be continued.
 - b. Whether only the required or necessary units are involved in the pursuit.

- c. Whether aerial assistance is available and has been requested.
 - d. Whether proper radio frequency is being utilized.
 - e. Whether affected allied agencies have been notified of the pursuit and whether or not assistance is needed.
2. The supervisor will continue to direct the pursuit, and approve or order alternative tactics and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the supervisor may order termination of the pursuit.
3. As with any tactical field problem, it is not necessary that the supervisor be physically present in order to assert control and begin coordination of the pursuit.
4. The supervisor in the district where the pursuit ends should proceed to the termination point to provide guidance and necessary supervision.
5. In cases where a supervisor is not on duty, the member shall determine whether the pursuit is justified or should be discontinued, and shall use the established guidelines in making that decision. The member shall promptly file an appropriate incident report for review by the next on-duty supervisor. An "Arrest Report" may be submitted to fulfill this requirement if the suspect is apprehended.
6. Any traffic crash involving a Florida Highway Patrol vehicle in pursuit, whether or not the Florida Highway Patrol vehicle was actually involved in the crash as a contact vehicle, shall be investigated by a supervisor. In the event the crash involves another police agency's pursuit, the crash will be investigated by a Law Enforcement Officer, a Law Enforcement Investigator I or a supervisor. If the crash involves injury or death, or major property damage, the investigation will be supervised on-scene by the designated shift commander.
7. When another agency requests Florida Highway Patrol assistance in a pursuit situation, a supervisor may authorize such assistance only when the pursuit meets the criteria established by Florida Highway Patrol policy concerning pursuits; however, a supervisor may authorize one Florida Highway Patrol backup unit to assist another agency in a pursuit which involves a crime of violence when that agency has requested assistance and has only one unit involved in the pursuit.

8. All provisions of this chapter are applicable in pursuits which are conducted at the request of another agency, including those provisions concerning the termination of a pursuit as outlined in Section 17.05.06.

H. PURSUIT OPERATIONS, TACTICS, AND PROHIBITIONS

Members shall comply with the following provisions:

1. **OFFENSIVE TACTICS** - In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches or any other obstacle, boxing in, heading off, ramming, rolling roadblocks, or driving alongside the pursued vehicle while it is in motion is prohibited.
2. **CARAVANNING** - Caravanning by field units is prohibited.
3. **PASSING** - Members shall not attempt to pass other field units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor.
4. **SPACING** - All units in pursuit shall maintain adequate space between vehicles to ensure proper reaction and braking time.
5. **NUMBER OF POLICE VEHICLES** - No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the supervisor. Other members should be alert to the pursuit progress and location.
6. **UNMARKED POLICE VEHICLES** - Members operating unmarked police vehicles may engage in a pursuit only when the fleeing violator presents an immediate and direct threat to life. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role, however, the unmarked vehicle shall not continue in a pursuit mode.
7. **MOTORCYCLES** - Motorcycle officers will not participate in pursuits due to the extreme hazards to the officers.
8. **LIMITED ACCESS, MULTI-LANE, AND ONE-WAY ROADWAYS** - Members shall not drive on the wrong side of the roadway or in the wrong direction to overtake or pursue a violator.
9. **TRAFFIC CONTROL DEVICES** - Members shall come to a complete stop before proceeding through a stop sign or a red traffic control signal. Members shall make use of all available warning devices to alert other motorists and pedestrians.

10. ROADBLOCKS - The use of a partial or complete roadblock must be authorized by a supervisor and can be used only as a last resort when deadly force is justified. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
11. AERIAL ASSISTANCE - Aerial assistance will be used if available. The air unit shall direct and coordinate the movement of ground units in cooperation with the supervisor.
12. Shooting from or at a moving vehicle during pursuits:

Members shall not shoot from or at a moving vehicle, except under the following circumstances:
 - a. As a last resort to prevent imminent death or serious physical injury to the officer or another person; or
 - b. Firearms may be used only under circumstances which provide a high probability of striking the intended objective and without causing harm to innocent persons.
13. Emergency lights and siren shall be engaged at all times during a pursuit situation.
14. Pursuit Termination Devices (PTDs).
 - a. PTDs may be utilized to terminate a pursuit or in non-pursuit situations, when a driver refuses to stop and presents an immediate danger to others. An example of immediate danger would result from a person driving on the wrong side of a divided highway and other attempts to stop the vehicle have failed.
 - b. **UNDER NO CIRCUMSTANCES WILL PTDS BE USED AGAINST A MOTORCYCLE OR THREE-WHEELED VEHICLES UNLESS THE USE OF DEADLY FORCE IS JUSTIFIED.**
 - c. Unless substantial risk to the public is imminent and apparent by not terminating a pursuit PTDs will not be used against:
 - (1) School buses.
 - (2) Buses transporting passengers.
 - (3) Trucks transporting explosives or other hazardous materials.
 - (4) Vans transporting passengers.

- (5) Any other vehicle which could reasonably be expected to be above normal risk of causing serious damage or injury.
- d. Reasonable effort will be made to avoid using PTDs on road surfaces which have in the immediate vicinity:
 - (1) Standing water.
 - (2) An exceptionally rough surface.
 - (3) Other unique characteristics or circumstances which would indicate a foreseeable increase in the risk of a serious crash.
- e. Pursuit termination devices should be deployed in areas with unobstructed views of the roadways from both directions to aid in deployment and lessen the possibility of a crash. The safety of troopers while deploying PTDs must also be considered in selecting a deployment location.
- f. Once the PTD is in place, everyone at the scene should seek a secure location away from the path of the fleeing vehicle. Protection should be sought from barriers constructed in a manner capable to offer adequate protection to the on scene troopers. **DEPLOYING MEMBERS SHOULD USE THEIR PATROL UNIT FOR PROTECTION ONLY AS A LAST RESORT.**
- g. When the fleeing vehicle has passed the device's location, the PTD spikes should be retracted so the pursuing vehicles may pass. The roadway should be free of moving traffic prior to any attempt to remove the device/device debris from the roadway.
- h. Any and all use of the PTD will be documented on an offense incident report and forwarded to the appropriate bureau chief via the chain of command. Also, a copy should be forwarded to the FHP Training Academy.
- i. PTDs may be deployed, in accordance with the guidelines contained in this section, when another law enforcement agency requests FHP assistance in terminating a pursuit, regardless of the circumstances that led to the initiation of the pursuit. However, this does not alter FHP criteria and guidelines regarding members becoming actively involved in pursuits.

I. MULTI-AGENCY PURSUITS

The guidelines listed below will be followed in pursuits involving other agencies.

1. When a member is in a pursuit mode, the communications center will notify all other affected agencies and specify that:
 - a. Assistance is requested; or
 - b. No participation is requested and that they are being notified for their information.
2. Requests by other agencies for Florida Highway Patrol assistance will be evaluated and decided by a supervisor. Only a pursuit which involves a crime of violence will be considered.
3. In the absence of a readily available supervisor, a member shall determine the need for Florida Highway Patrol assistance, adhering to criteria established in this policy. In any event, a supervisor will be contacted as soon as possible to approve or revoke the decision.
4. A member who becomes aware of a pursuit by another agency shall notify the communications center and shall not become involved in the pursuit unless that agency has requested Florida Highway Patrol assistance and the pursuit for a crime of violence has been authorized by a supervisor.
5. Informal notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit.

J. OUT-OF-STATE PURSUIT

Members may pursue any person into a foreign state when the member reasonably believes the person has committed or attempted to commit a crime of violence.

All provisions of this chapter are applicable in out-of-state pursuits, including those provisions concerning the termination of a pursuit as outlined in Section 17.05.05(D).

K. USE OF FOUR-WAY FLASHERS

Four-way flashers may interfere with brake lights and turn signals and shall not be used while the vehicle is in motion during a pursuit.

L. PURSUIT AFTER-ACTION REPORTS

A pursuit report shall be filed immediately by all members who actively participate in a pursuit, in accordance with Section "G.5", above.

M. ADMINISTRATIVE REVIEW OF PURSUITS

Troop commanders are to conduct a pursuit policy compliance review of all reported pursuits and forward the findings to the appropriate Bureau Chief.