

**MAITLAND POLICE DEPARTMENT
MAITLAND, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: HIGH RISK VEHICLE OPERATIONS

NUMBER: 302-2002

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ATTACHMENTS:

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REVIEW BY: STAFF/OUTSIDE SOURCE

DATE REVISED: December 12, 2002

PURPOSE

The purpose of this policy is to establish guidelines for vehicle apprehension. This policy establishes a balance between the need to apprehend offenders and the risk of death or injury to members of the public or the Maitland Police Department.

DISCUSSION

It is the duty and responsibility of every Police Officer to enforce the laws of the State of Florida and apprehend persons in violation of these laws. The operation of Maitland Police Department vehicles during a vehicular apprehension (pursuit) is an area of concern to both law enforcement and civilian personnel. It is imperative that guidelines be established which will assist in the safe and effective operation of Departmental vehicles when engaged in vehicular apprehensions.

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302.1a City of Maitland Vehicle: Any vehicle owned or leased by the City of Maitland.

302.1b Apprehension of Law Violators in a Motor Vehicle: An active attempt by a law enforcement officer in an authorized emergency vehicle to apprehend the occupants of a moving vehicle.

302.1c Vehicle Apprehension (Pursuit): An active attempt by a law enforcement officer in an authorized emergency vehicle to apprehend the occupants of a moving vehicle, providing that the driver of such vehicle is or should be aware of the attempt, increases his speed, takes other evasive action(s) or refuses to stop in an attempt to avoid apprehension.

302.1d Primary Vehicle Apprehension Unit: Generally, the law enforcement unit which initiates the pursuit. If the initiating vehicle is not a marked car with emergency equipment, the primary unit status shall, when possible, be assumed by a marked car with emergency equipment.

302.1e Secondary Vehicle Apprehension Unit: The law enforcement unit which trails the primary pursuit unit at a safe distance and which is available to assume the primary role or assist the primary unit if the fleeing vehicle is stopped.

302.1f Forcible Felony: Forcible felony is defined as any felony which involves the actual, apparent, or threatened use of deadly force against an individual.

302.1g Emergency Equipment: Siren or other audible device and flashing blue and red lights which meet the requirements of Florida Statutes.

AUTHORIZED APPREHENSION VEHICLES

302.2a Marked patrol vehicles equipped with roof mounted emergency lights/siren are authorized as primary vehicle apprehension vehicles.

302.2b The vehicles assigned to the DUI and Aggressive Driver Enforcement programs are marked police vehicles equipped with emergency lights/siren; but the emergency lights are not roof mounted. These vehicles are authorized to act as primary vehicle apprehension vehicles only until such time as a marked patrol vehicle with roof mounted emergency lights and siren can take over as the primary vehicle apprehension vehicle. In the event that a marked patrol vehicle with roof mounted lights and siren cannot promptly engage in the pursuit, the DUI and Aggressive Driver Enforcement vehicles may be directed to discontinue the vehicle apprehension

302.2c All other vehicles, such as vans, utility vehicles, and undercover cars, shall not become involved in vehicle apprehensions.

302.2d A City of Maitland vehicle engaged in a vehicle apprehension operation shall utilize both emergency lights and siren/audible device.

DECISION TO PURSUE

302.3a Officers shall evaluate the risk involved in initiating or continuing an apprehension.

302.3b When there is a clear and unreasonable hazard to the officer, fleeing motorist, and/or other person, an apprehension shall not be initiated nor continued.

302.3c No member of the Police Department shall engage in a motor vehicle pursuit, unless at the time the decision to pursue is made, the officer has reasonable knowledge that a

forcible felony crime has been committed, or is being committed.

302.3d The Shift Supervisor or any other Commanding Officer, may at any time, order the termination of a vehicle apprehension, when in their judgement, the necessity of immediate apprehension is outweighed by the level of danger created by the apprehension.

302.3e The Shift Supervisor will immediately be notified of and shall assert control over the apprehension and decide whether to authorize the continuation of same.

302.3f At the supervisor's discretion, he may order specific units into or out of the apprehension or order the immediate termination of the apprehension.

302.3g Trying to catch up to a vehicle or following a vehicle is not a violation of this policy. Trying to catch a vehicle involves:

- A vehicle that has violated a traffic law and is not aware that a police vehicle is attempting to effect a traffic stop and;
- The vehicle is either so far ahead of the police vehicle or exceeding the speed limit in such a fashion that the officer is required to use the lights and siren and exceed the speed limit in order to gain ground so that the person will realize that the officer is attempting to effect a traffic stop. and;
- The vehicle is behaving in such a manner that a reasonable officer would not conclude that the vehicle is taking evasive action (No visible signs that the driver has recognized that the police are present) and;
- The officer drives in a responsible fashion taking into consideration all factors and conditions and does not endanger innocent citizens in his attempt to catch the target vehicle.

LIMITATIONS

302.4a The below listed factors will be considered when determining if any vehicle apprehension should be initiated, continued, or terminated:

- **At no time will an apprehension be initiated when there only exists probable cause for misdemeanor crimes or traffic violations.**
- No member of the Police Department shall engage in a motor vehicle pursuit, unless at the time the decision to pursue is made, the officer has reasonable knowledge that a forcible felony crime has been committed, or is being committed. The only authorized exception to this will be leaving the scene of a traffic crash involving obvious death or serious injury.

- At no time will the apprehension be initiated for civil traffic violations.
- The safety of the fleeing perpetrator must be considered.
- The volume of the vehicular and pedestrian traffic are factors which must be considered.
- Daytime vs. late night traffic.
- Increased traffic during rush hours.
- Potential traffic volume for special events (Parades, sporting events, holidays, etc).
- The geographical conditions (s) of the location of the pursuit is an important factor.
- Residential neighborhoods, especially high density multi-family housing areas, are not conducive to high speeds. Business districts having traffic congestion features which must be considered.
- Because the pursuit can travel from one type of neighborhood to another, conditions may change that would alter the speed of the pursuit or cause it to be terminated.
- Weather conditions, such as rain, fog, or smoke, can contribute to adverse road conditions and/or affect visibility.
- Type of road, such as interstate or limited access highways, vs. two-lane twisting and turning roads, will affect the driver's ability to control the vehicle.
- Road conditions, such as construction, may alter the surface, narrow the lanes, or increase traffic volume.
- Speeds involved.
- At no time will Maitland Police Personnel exceed speeds which are reasonable when engaged in vehicle apprehension operations. Individuals will be held strictly accountable for their actions.
- It is important to consider whether or not the speed of the apprehension is safe for the condition(s). Generally, the higher the speed, the greater the risk for potential damage and/or injury.
- It is also important to remember that the driving skills of the pursuing officer may be better than those of the driver in the fleeing vehicle.
- Police Officers, when accompanied by non-sworn passengers, shall not engage in vehicle apprehensions. Non-sworn passengers include ride along program participants, prisoners, and authorized family members.
- Units shall never follow a suspect vehicle the wrong way on a limited access roadway and should use extreme caution if a suspect vehicle proceeds the wrong way down a one-way street.
- Except in extreme cases, units shall terminate any apprehension when two-way radio communications with headquarters or the field supervisor is lost.
- An apprehension shall be terminated if unit(s) lose sight of the suspect vehicle other than for a momentary period. The field supervisor shall be immediately notified of this event.

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CONTINUATION/TERMINATION OF APPREHENSION

302.5a The decision of continuing a apprehension in which the fleeing vehicle refuses to stop will be evaluated continuously by the Shift Commander and/or patrol supervisor. This evaluation will include, but not be limited to, traffic conditions and speeds involved.

302.5b If, after the initiation of a apprehension, it becomes apparent the apprehension cannot be continued in a manner which affords reasonable safety, the apprehension shall be discontinued.

302.5c When instructed to discontinue an apprehension by a supervisor, or the decision to discontinue the apprehension is made by the officer, the officer shall stop his vehicle immediately (side of the road if necessary) and park. This is to ensure that it is clear to all, including the fleeing suspect, that the apprehension has been discontinued.

302.5d In all cases in which a member is involved in a vehicle apprehension, an arrest will be made for the charge of fleeing or attempting to elude a law enforcement officer (F.S.S. 316.1935). The officer shall also place charges for any offenses or traffic offenses that led to the pursuit. The officer should also issue citations for any traffic infractions occurring within the Maitland City limits.

COMMUNICATIONS

302.6a Primary Pursuing Officer's Responsibility: Upon initiation of a vehicle pursuit, Officers should immediately request assistance, notify the communications dispatcher of the pursuit, and furnish all pertinent details, (e.g. description of the vehicle and occupants, location and direction of travel, approximate speeds involved, reason for pursuing the vehicle), and provide any other information that could aid in identification, pursuit, or a determination to either continue or terminate the pursuit.

302.6b Dispatch/Communication Responsibilities: The dispatcher will have the radio channel cleared for emergency traffic, primarily for the principal or second units and the supervisor. The Dispatcher will simulcast notification of the pursuit on inter-city and all Maitland channels. All other Police units shall refrain from reporting their locations unless requested. Dispatch shall remain silent unless transmissions are unclear, or when asked for clarification, or when a supervisor response or instruction is necessary.

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302.6c Other Responsibilities: Additional back-up units may be assigned **ONLY AS AUTHORIZED BY A SUPERVISOR** when necessary for pursuit of violent fugitives, suspects in major felonies, multiple fleeing vehicles, or multiple occupants in a fleeing vehicle. Officers shall not leave their assigned work areas to engage in a vehicle pursuit unless assigned as the primary unit or a back-up unit.

302.6d The Shift Supervisor monitoring the pursuit shall be responsible for enforcing vehicle apprehension procedures, making note of unauthorized units in the pursuit (or at the conclusion of the pursuit), and any breaches of radio discipline.

302.6e When possible, the second pursuing vehicle shall take over radio transmissions, reporting all pertinent information, freeing the primary pursuit vehicle from radio operations.

302.6f Patrol Supervisory Responsibilities: Overall responsibility for the discretionary decisions concerning continuance or discontinuance of a pursuit rests primarily with the Shift Supervisor. If the Shift Supervisor is actively involved in the pursuit, the MPO or other member so designated by the Shift Supervisor will assume responsibility for monitoring the pursuit.

302.6g Communications Conduct During Pursuit: During a pursuit, good communication between the pursuing unit(s), the dispatcher, the patrol supervisor and other units is essential. The pursuing officer/second pursuing officer shall:

- Maintain radio contact with the dispatcher.
- Keep radio transmissions as brief as possible.
- Keep radio transmissions pertinent to the chase and advise locations and changes in direction.

302.6h Whenever a vehicle pursuit takes place during the operational hours of an aviation unit, a request shall be promptly made through Communications for the air unit's assistance through Orange County Sheriffs Office Communications Section, especially if the pursuit appears that it may be of an extended nature.

302.6i Once the Aviation Unit identifies the pursued vehicle, ground units shall drop back to a safer speed while continuing the pursuit. The Aviation Unit shall monitor the pursuit and take over the communication responsibility of the primary officer.

302.6j If a pursuit is terminated for any reason, a unit

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shall provide the location where the vehicle was last seen, its speed and last direction of travel.

CONDUCT OF THE APPREHENSION

302.7a The initial pursuing Officer's vehicle (primary vehicle) and one back-up vehicle (secondary vehicle) shall normally be the only ground units necessary to pursue a fleeing vehicle. The primary vehicle or supervisor may request additional vehicles to assist. The secondary vehicle shall not follow too closely and will not attempt to pass the primary vehicle unless the primary vehicle is forced to drop out. **Emergency lights and siren shall be used throughout the apprehension.**

302.7b Unless extenuating circumstances exist, caravans of vehicles during a pursuit situation is prohibited. A caravan is defined as more than two law enforcement vehicles following a fleeing vehicle.

302.7c Paralleling: Shall mean the act of following a vehicle pursuit on adjacent roadways. Police units directed to "parallel" in the pursuit route will operate in an emergency mode unless otherwise directed by a supervisor.

USE OF STOP STICKS

302.8a To terminate vehicle apprehensions, a tire deflating device may be deployed by officers who have completed the departmental training course. Stop sticks are designed to be employed when the vehicle to be apprehended is traveling at 10 mph or greater. Stop Sticks shall not be used on motorcycles or vehicles with less than four (4) tires.

302.8b Stop sticks may be deployed as single units or in combination of two or more. The width of the roadway to be covered and the time available for deployment will determine the number of Stop Sticks used.

302.8c Officers involved in the deployment of Stop Sticks shall re-direct civilian vehicle traffic away from the deployment area.

302.8d The device should be strategically placed so the target vehicle can strike the device, and if possible, the device readily retracted. The officer deploying the device shall retreat to a safe location, away from the oncoming target vehicle.

302.8e Maitland Police Vehicles or civilian vehicles shall not be used to create a roadblock or "funnel" configuration

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to force the target vehicle onto the device.

302.8f Rapid Deployment: The Stop Sticks should be placed in the probable path of the fleeing vehicle with any three sides down in a straight line. The distance between the Stop Sticks should not be more than approximately six inches.

302.8g Normal Deployment: The Stop Sticks should be joined together using the interlocking devices on each end of the Stop Sticks. The sections can then be placed as a single obstacle in the path of the fleeing vehicle.

302.8h The Stop Sticks are equipped with a pull string that attaches to the end of the Stop Stick. Having the pull string attached gives the officer the option of pulling a number of Stop Sticks from a concealed position into the path of the fleeing vehicle.

302.8i Caution should be used when employing this maneuver. The pull string must be placed flat on the surface of the roadway and should **not** be held by the officer. The Stop Sticks must be pulled in place in sufficient time to allow the officer to release the pull string and place themselves in a secure location.

302.8j The Communications Section must be advised of the location of the Stop Stick deployment. The dispatcher will alert all units including other agencies involved in the attempted apprehension of the location of the Stop Sticks.

302.8k The fleeing vehicle may not stop as a result of the Stop Sticks puncturing a tire. The release of air through the puncture does not happen instantly, but allows the driver of the fleeing vehicle to continue fleeing for a short distance.

302.8l Deployed Stop Sticks should be removed from the roadway as soon as it is safe to do so and no further need for deployment exists.

302.8m Pursuing vehicles require a clear path if it is necessary to continue the vehicle apprehension.

USE OF LOJACK

302.9a LoJack is a multi-component system used to assist law enforcement personnel with identifying, tracking, locating and recovering stolen vehicles equipped with the tracking device.

302.9b The Operations Commander is the Department coordinator and liaison with the LoJack Corporation. The Operations Commander or a designee will be responsible for oversight of Department LoJack equipment, personnel,

and the coordination of training (to be provided by the Training Section).

302.9c The LoJack Corporation provides the Department, at no charge, with equipment installation and maintenance, and training in exchange for city-wide, around the clock coverage by LoJack equipped police vehicles.

302.9d Training: LoJack equipped vehicles shall, as a general rule, be operated only by those officers trained in its use. Officers interested in training will submit a letter of interest, via their supervisor to the Operations Commander, who will make the final selection. Officers selected to operate a LoJack equipped vehicle must successfully complete the required training and any re-certification. Training will be provided by the LoJack Corporation and arranged by the Training Section. The Operations Commander will maintain a list of members authorized to operate the LoJack system.

302.9e Equipment: The LoJack system is comprised of three major components:

- The LoJack unit (vehicle transmitter), purchased by the vehicle owner, broadcasts a unique activation code when activated.
- The Police Tracking Computer (PTC) consists of three elements:
 - ◆ Antenna array on roof of police vehicle
 - ◆ Microprocessor which is mounted in the trunk of the police vehicle.
 - ◆ The display head which is mounted on the dashboard of the police vehicle and provides the operator with audible and visual signals.
- The Florida Activation System (FAS) is centrally located at the Department of Highway Safety and Motor Vehicles (DHSMV) in Tallahassee, with transmitters strategically located throughout the State. This system is interfaced with FCIC through DHSMV and activates the transmitting LoJack signal of stolen vehicles when entered into teletype.

302.9f The LoJack Corporation is responsible for the installation, maintenance, and removal of permanently installed equipment. Department employees are not permitted to perform maintenance on any LoJack equipment.

ACTIVATION OF LOJACK

302.9g Upon receipt of a LoJack activation, the receiving officer shall immediately notify communications and request emergency traffic.

302.9h The officer shall request that teletype verify the stolen vehicle information and provide the appropriate description of the vehicle.

302.9i The officer shall coordinate the efforts or other responding units to the area to assist in the apprehension.

302.9j Notification from another jurisdiction of a LoJack activation heading toward the City of Maitland shall not be construed as a request for assistance. The caller from the outside department will be specifically asked if they are making a request for assistance or making a formal notification for information purposes.

302.9k Prior to making any radio broadcasts, the Communication Section will obtain from the notifying department the same information our unit would be expected to provide when responding to a LoJack activation.

302.9l Maitland Police Department Policy and Procedure concerning the Use of Force and Vehicle Apprehensions shall apply to the participation of all Departmental members involved in a LoJack Activation, regardless of the initiating agency.

OTHER METHODS USED TO APPREHEND FLEEING VEHICLES

302.10a Stationary Road-Blocking: This method should be considered **DEADLY FORCE** if the roadway is completely blocked and should be utilized only under conditions where deadly force is permitted. This shall be authorized by a supervisor. The act of “boxing a suspect vehicle in” when involved in a low speed apprehension shall not in itself be considered stationary road blocking.

302.10b Ramming: Members shall not intentionally ram a suspect's vehicle. This method is considered **DEADLY FORCE** and shall not be used because of airbags and mechanical kill switches which may be activated upon impact.

302.10c Firearms: Members shall not discharge firearms at a moving vehicle or shoot a firearm from a moving vehicle unless the use of deadly force is justified under state law, Departmental policies and procedures, and is consistent with providing due care for the safety of the

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public.

INTER-JURISDICTIONAL PURSUITS

302.11a When a pursuit leads toward and/ or enters another agency's jurisdiction that law enforcement agency will be notified as to the pursuit's nature, location and last known direction of travel.

302.11b The Communications Section will notify outside agencies that Maitland is in pursuit close to, or in their jurisdiction. The informing person will specify that the call is a request for assistance.

302.11c This notification shall include:

- Vehicle and suspect descriptions.
- Details of the charges.
- Any available data on the pursuit such as length, speeds, suspect driver skills displayed, etc.

302.11d Notification from another jurisdiction of a pursuit in progress into The City of Maitland shall not be construed as a request for assistance. The caller from the outside department will be specifically asked if they are making a request for assistance or making a formal notification for information purposes.

302.11e Maitland Police Personnel receiving notification of a pursuit by another agency into the City of Maitland shall carefully assess the circumstances to determine if the pursuit is likely to enter our jurisdiction. Prior to making any radio broadcasts, the Communication Section will obtain from the notifying department the same information our primary pursuit unit would be expected to provide when initiating a pursuit.

302.11f Officers shall not become involved in another agency's pursuit unless specifically authorized by the Patrol Supervisor, or unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all City of Maitland pursuit policies are in effect.

FRESH PURSUIT; ARREST OUTSIDE JURISDICTION F.S.S. 901.25

302.12a Fresh pursuit shall include:

- The pursuit of a vehicle in accordance with Policy 302 outside the jurisdiction of the Maitland Police Department.

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- The officer shall have the same authority to arrest and hold such person in custody outside his jurisdiction, subject to the imitations hereafter set forth, as has any authorized arresting state, county, or municipal officer of this state to arrest and hold in custody a person not arrested in fresh pursuit. (F.S.S. 901.25)

302.12b If an arrest is made outside of the jurisdiction of the Maitland Police Department:

- The officer shall immediately notify the officer in charge of the jurisdiction in which the arrest is made.
- The officer shall transport the prisoner to the Booking Office of the County in which the arrest was affected and complete all appropriate arrest paperwork.

CONCLUSION OF THE PURSUIT

302.13a The shift supervisor of the primary pursuing officer shall respond immediately to the termination point of the pursuit. The supervisor shall be responsible for controlling the scene and ensuring adherence to City of Maitland policies.

302.13b The shift supervisor will be responsible for completing the **Vehicle Apprehension Form (Appendix A)**. The shift supervisor shall ensure that the comments portion of the Vehicle Apprehension Form is properly completed and that copies of all appropriate reports are attached.

302.13c In the event that the shift supervisor (or acting shift supervisor) is involved in the vehicle pursuit, and no other supervisor is available to complete the Vehicle Apprehension Form, the involved supervisor shall still complete the Vehicle Apprehension Form. However, the supervisor shall neither approve, nor disapprove, the vehicle pursuit in the endorsement section of the form.

302.13d The supervisor completing the Vehicle Apprehension Form, shall attach copies of all reports and witness statements concerning the incident and forward them to the Training Section for review. These reports shall be submitted prior to the end of the member's tour of duty.

302.13e The Training Section shall review the forms for appropriateness of techniques and tactics and submit them for review to the Chief of Police, via the Chain of Command.

302.13f Upon final review by the Chain of Command, the Vehicle Apprehension Form and accompanying documentation will be retained in the office of the Patrol Commander.

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302.13g The original offense report(s) shall be routinely processed and filed in the Records Section. The Vehicle Apprehension Form is for internal use only.

302.13h The Vehicle Apprehension Form is not a substitute for an internal investigation. If the supervisor determines that an internal investigation is necessary, it is his responsibility to initiate the Internal Affairs Inquiry.

VEHICLE APPREHENSIONS INVOLVING CRASHES

302.14a In the event that a vehicle apprehension results in a vehicle crash involving significant property damage or any injury, an outside agency will be contacted to conduct the primary investigation. This will in no way preclude the Maitland Police Department from conducting a parallel investigation.

INDEX KEYS

Fresh Pursuit (Arrest Outside Jurisdiction)

High Risk Vehicle Operations

LoJack

Pursuit

Use of Stop Sticks

Vehicle Apprehension

Vehicle Apprehension Report

WRITTEN: MPD. HCSO. POPD PL 8/98

APPROVED: _____
CHIEF EDWARD W. DOYLE

Revised 12/12/02

DATE: ____/____/____

**I HAVE READ, UNDERSTAND AND AGREE TO
COMPLY WITH THIS POLICY AND PROCEDURE.**

DATE: ____/____/____

**Policy and Procedure #302
High Risk Vehicle Operations**

Appendix A

VEHICLE APPREHENSION REPORT

NOTE: FOR INTERNAL USE ONLY. UNDER NO CIRCUMSTANCES WILL THIS BE FILED IN CENTRAL RECORDS. **(MUST BE TYPED)** Attach copies with all applicable reports/statements.

TO: Chief Edward W. Doyle Case #: _____

VIA: Chain of Command Incident Date: _____

FROM: _____

DATE: _____

OFFICER INVOLVEMENT

Primary Officer: _____ Emp. #: _____ Vehicle #: _____

Secondary Officer: _____ Emp. #: _____ Vehicle #: _____

Duty Supervisor: _____ Emp. #: _____ Vehicle #: _____

APPREHENSION CHARACTERISTICS

Reason for Pursuing: _____

Point of Origin: _____ Time Initiated: _____

Route of Travel: _____

Point of Termination: _____ Time Terminated: _____

REASON FOR TERMINATION OF VEHICLE APPREHENSION

- | | |
|---|--|
| <input type="checkbox"/> Subject stopped due to police action | <input type="checkbox"/> Unreasonable danger to officer, violator or other |
| <input type="checkbox"/> Vehicle crash | <input type="checkbox"/> Poor weather/road conditions |
| <input type="checkbox"/> By order of supervisor/commander | <input type="checkbox"/> Officer unfamiliar with area |
| <input type="checkbox"/> Extensive loss of visual contact | <input type="checkbox"/> Violator proceeded wrong way on road |
| <input type="checkbox"/> Traffic/Pedestrian congestion | <input type="checkbox"/> Other: _____ |

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REVIEW FINDINGS

Training recommended: _____

Other action taken: _____

Recommendation

	<u>Approved</u>	<u>Disapproved</u>
Supervisor: _____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
Training Officer: _____ Date: _____		
Operations Commander: _____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
Chief of Police: _____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>