

OKALOOSA COUNTY SHERIFF'S OFFICE

GENERAL ORDER

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SUBJECT: Vehicle Pursuits/Emergency Response		Re-evaluated Nov. 15, 1999
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Index as:

Vehicle Pursuits
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This order consists of the following numbered sections:

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1. Purpose

The purpose of this policy is to secure a balance between the protection of the lives and safety of the public and Deputy Sheriffs, and law enforcement's duty to enforce the law and apprehend violators. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to direct as well as guide a deputy's discretion in matters of vehicular pursuit.

2. Policy

It is the policy of the Okaloosa County Sheriff's Office to engage in the limited pursuit of law violators operating motor vehicles or vessels attempting to elude law enforcement authorities to avoid arrest. Statutory requirements require law enforcement officers to bring violators of the law to justice. At the same time the Sheriff's Office has a moral obligation to protect citizens from unnecessary harm and injury.

3. Definitions

- A. Apprehension Vehicle - an authorized law enforcement emergency equipped vehicle as defined by Florida statutes
- B. Primary Apprehension Vehicle - the emergency unit which is directly behind the violator.
- C. Secondary Apprehension Vehicle - the emergency unit which trails the primary apprehension vehicle.

D. Vehicle Pursuit - an active attempt by a deputy operating an authorized emergency vehicle to pursue the occupants of a vehicle in which the operator of such vehicle intentionally refuses to stop or yield and disregards the deputy's attempt to apprehend through evasive actions.

E. Vehicle - shall apply to motor vehicles or water craft/boats

4. Statutory Authority

A. F.S.C. 316.072 (5) - AUTHORIZED EMERGENCY VEHICLES

"(A) 1. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not when returning from a fire, or

2. A medical staff physician or technician of a medical facility licensed by the state when responding to an emergency in the line of duty in his or her privately owned vehicle, using red lights as authorized in s. 316.2398, May exercise the privileges set forth in this section, but to the conditions herein stated.

(b) The driver of a vehicle specified in paragraph (a), except when otherwise directed by a police officer, 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 as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as the driver does not endanger life or property;
4. Disregard regulations governing direction or movement or turning in specified directions, so long as the driver does not endanger life or property.
5. The foregoing provisions shall not relieve the driver of a vehicle specified in paragraph (a) 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 his or her reckless disregard for the safety of others."

B. F.S.C. 316.126 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicle.

"(3) Any authorized emergency vehicle, when en route to meet an existing emergency, shall warn all other vehicular traffic along the emergency route by audible signal, siren, exhaust whistle, or other adequate device or by a visible signal by the use of displayed blue or red lights. While en route to such emergency, the emergency vehicle shall otherwise proceed in a manner consistent with the laws regulating vehicular traffic upon the highways of this state.

(4) Nothing herein contained shall diminish or enlarge any rules of evidence or liability in any case involving the operation of an emergency vehicle.

(5) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway."

C. F.S.C. 901.25 Fresh Pursuit; arrest outside jurisdiction.

"(1) The term "fresh pursuit", as used in this act, shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there are reasonable grounds for believing that a felony has been committed. It shall also include the pursuit of a person who has violated a county or municipal ordinance or chapter 316 or has committed a misdemeanor.

(2) Any duly authorized state, county, or municipal arresting officer is authorized to arrest a person outside his jurisdiction when in fresh pursuit. Such officer shall have the same authority to arrest and hold such person in custody outside his

jurisdiction, subject to the limitations hereafter set forth, as has any authorized state, county, or municipal officer of this state to arrest and hold in custody a person not arrested in fresh pursuit.

(3) If an arrest is made in this state by an officer outside the county within which his jurisdiction lies, he shall immediately notify the officer in charge of the jurisdiction in which the arrest is made. Such officer in charge of the jurisdiction shall, along with the officer making the arrest, take the person so arrested before a county judge or other committing magistrate of the county in which the arrest was made without unnecessary delay.

(4) The employing agency of the state, county, or municipal officer making an arrest on fresh pursuit shall be liable for all actions of said officer in the same fashion that it is liable for his acts made while making an arrest within his jurisdiction.

(5) The officer making an arrest on fresh pursuit shall be fully protected with respect to pension, retirement, worker's compensation, and other such benefits just as if he had made an arrest in his own jurisdiction."

5. Procedures

A. Vehicle Pursuit

1) The use of an agency vehicle or water craft to pursue a suspect vehicle is considered to be a use of force and shall fall within the guidelines of this General Order and General Order 4.01.

- **The attempt to catch up to a vehicle is not considered a "pursuit" until there is an overt and deliberate attempt to elude.**

2) A vehicle pursuit is authorized when the necessity of immediate apprehension of the suspect(s) outweighs the danger to the community created by the apprehension. In instances where immediate apprehension cannot be effected with reasonable safety, a deputy shall attempt to obtain sufficient information to effect a subsequent apprehension.

- When the risk and danger to bystanders and innocent third parties are high, the vehicle pursuit must be terminated despite the heinousness of the offense or the violence associated with the act by the fleeing subject.

3) Deputies shall take into consideration the mechanical condition and capabilities of their vehicle prior to engaging in any vehicle pursuits.

4) Deputies should never assume an indifferent attitude toward the safety of the public. Deputies must endeavor to handle driving and vehicle pursuit situations with extreme care and skill to justify their actions as related to highway or waterway safety.

5) The elements of personnel challenge to the deputy shall not factor or influence the decision to pursue, nor shall there be any suggestion or implication that by discontinuing a vehicle pursuit for safety reasons, the deputy lacks courage or determination.

D. Duty to Discontinue Vehicle Pursuits

1) The decision to continue or discontinue a vehicle pursuit is the responsibility of the deputy until the field supervisor becomes aware of the situation and renders a decision. A deputy may elect to discontinue a vehicle pursuit at any time.

2) The field supervisor has the responsibility to determine that a vehicle pursuit continues or is terminated. Upon a field supervisor's decision to terminate a pursuit all deputies shall immediately comply with such a decision by ceasing to follow, in anyway, the fleeing vehicle and promptly turn off all emergency lights and sirens.

The deputy will further accomplish the "termination" by slowing and, if possible, turning away from the last known direction of the eluding vehicle. Communications and supervisors will be notified of the pursuit termination through acknowledgment by the pursuing deputy via radio transmission. The other deputies moving toward the chase will cease all efforts to apprehend unless further supervisory approval is obtained to attempt apprehension of the eluding vehicle.

3) The following factors or conditions are to be taken into consideration in the decision making process to terminate a vehicle pursuit:

a. The seriousness of the originating offense and its relationship to community, public, and deputy safety.

b. Nature of the action or inaction of the suspect that precipitated the vehicle pursuit, such as, but not limited to:

- Type of offense - traffic violation, misdemeanor, non-violent felony, violent felony
- Whether armed or not (type of weapon - firearm or other)
- Whether the suspect is readily identifiable or subject to capture by other means or at a later date

c. Physical conditions, such as, but not limited to:

- time of day or night
- volume of traffic and traffic congestion
- pedestrian traffic
- location of vehicle pursuit (open roadway/highway, residential/business area, school/playground area, road construction area)
- weather conditions
- road conditions and road surface
- familiarity of area by pursuing deputies and/or supervisors
- speed of pursuit
- quality of radio communications between pursuit vehicles, supervisor and communications personnel.

E. Responsibilities

1) Primary Pursuit Vehicle

a. Maintain contact with violator.

b. Advise by radio the initial location, direction of travel, suspect and vehicle description, and crime committed.

c. Assume responsibility for completion of applicable reports.

2) Secondary Pursuit Vehicle

a. Assist the primary pursuit vehicle as necessary

- The secondary pursuit should maintain a sufficient and safe distance behind the primary pursuit vehicle to render assistance after the fleeing vehicle has stopped.
- Unless the primary pursuit vehicle is disabled, the secondary pursuit vehicle shall not attempt passing.

b. Assume on-going radio communications relating to direction of travel, additional suspect information, and other information relating to the actual pursuit.

c. Assist the primary pursuit vehicle driver with required documentation pertaining to the pursuit.

3) Supervisor

a. The supervisor assumes overall responsibility for decisions concerning continuing or discontinuing a vehicle pursuit.

b. Directs the pursuit tactics and/or other tactics used to stop the suspect vehicle.

c. Decisions regarding whether or not to pursue vehicles across county or state jurisdictional lines rest with the field supervisor or with the approval of a higher authority.

4) Communications personnel

- a. Notify or verify that the field supervisor is made aware of the vehicle pursuit.
- b. Notify or ensure that the Communications supervisor is made aware of the vehicle pursuit.
- c. Ensuring that other units are informed of the vehicle pursuit and clearing the communications channel for emergency radio traffic.
- d. Monitoring radio communications for re-broadcast of last known locations, vehicle/suspect descriptions, and other pertinent information as necessary for direction of back-up support.

F. Conduct of the Vehicle Pursuit

- 1) The primary and secondary pursuit vehicles will be the only vehicles to pursue a fleeing vehicle, unless specific authorization has been granted by the field supervisor or higher authority.
 - When available and if within a reasonable distance to the location of the vehicle pursuit, a K-9 Unit may be used to assist in the pursuit.
 - Unless the K-9 Unit is the primary vehicle, it will assume the number three (3) position if practical.
 - The K-9 Unit shall maintain a sufficient and safe distance from the primary pursuit vehicle to render assistance once the suspect vehicle has stopped.
- 2) The supervisor may, at his/her discretion, authorize additional vehicles to assist in the pursuit based on the severity of the offense.
- 3) Sirens and emergency lights shall be used throughout the vehicle pursuit by all involved units.
- 4) Other in-service vehicles shall remain in their assigned zones unless otherwise directed.
 - Units will proceed to the area within their assigned zone that is closest to the location of the vehicle pursuit and monitor radio transmissions.
 - All vehicles responding to assist in the pursuit, paralleling the pursuit, or attempting to reach a tactical position within their assigned area, will operate with lights and siren, unless otherwise directed by the field supervisor in charge.
- 5) Deputies operating unmarked vehicles or marked vehicles equipped with interior emergency lights shall yield their positions in any pursuit to vehicles equipped with exterior mounted emergency lights, if practical.
- 6) Sheriff's Office vehicles towing boat trailers, etc. are strictly prohibited from engaging in vehicle pursuits.
- 7) Deputies shall not engage in any pursuits while transporting prisoners.

G. Termination of pursuit - Alternative methods

- 1) When it is reasonably believed that the violator will cause death or serious injury to others if the apprehension is delayed, the supervisor in charge or higher authority may order the use of alternative methods to terminate the pursuit.
 - It should be noted that using alternative methods to terminate the pursuit may result in damage, injury, or death to, not only the violator, but to the deputies employing these alternative methods or to other motorist.
 - Authorization to use these methods should be use only as a last resort to terminating a pursuit.
- 2) Alternative methods to terminating the pursuit:
 - The preferred method of terminating a pursuit is the use of commercial devices designed to flatten tires.

- At the discretion of the on-duty supervisor Stationary Road Blocks or Moving Road Blocks may be implemented when a violent felony has been committed and/or the gravity of the crime is such that immediate action must be taken in the interest of public safety.

3) **The use of firearms to immobilize a fleeing vehicle is strictly prohibited.**

4) Stationary Road Blocks

- a. All stationary road blocks shall be illuminated by patrol vehicle emergency lights, in combination with, if available, road safety flares, traffic cones and/or other temporary traffic control devices.
- b. The positioning of the stationary road block shall be such as to allow approaching vehicles the opportunity to stop.
- c. Deputies shall tactically position themselves to avoid injury if the road block is breached.

5) Moving Road Block (Boxing-In)

- a. This technique involves two (2) or more Sheriff's Office vehicles and damage to one or more vehicles is predetermined.
- b. This maneuver should only be deployed by deputies who have received instruction in the technique.

6) Commercial devices designed to flatten tires

- a. Deployment of these devices shall be made by personnel who have received instruction on deployment techniques.
- b. Pursuing units shall be advised of deployment location and acknowledgment verified prior to the deployment.
- c. These devices shall not be deployed against motorcycles.

6. **Multi- Jurisdictional Vehicle Pursuits**

A. Vehicle Pursuit leaving Okaloosa County

- 1) Deputies engaged in a vehicle pursuit which leaves Okaloosa County may continue the pursuit provided permission is granted by the supervisor in command of the pursuit or higher authority.
- 2) The Communications supervisor shall be responsible for notifying the county into which the pursuit is headed and supply all pertinent information regarding the pursuit.
 - The Communications supervisor shall request assistance of that jurisdiction and advise the Okaloosa County supervisor if assistance is granted and forthcoming.

3) Approval or disapproval for assistance lies with the County into which the pursuit is entering.

- If assistance is granted, the command of the pursuit shall be transferred to the law enforcement agency having jurisdictional authority.

4) Okaloosa County Sheriff's Office deputies engaged in vehicle pursuits outside the jurisdictional boundaries of Okaloosa County shall continue to operate under the guidelines of the policies and procedures of Okaloosa County.

- Okaloosa County deputies shall relinquish their primary and secondary pursuit positions to assisting vehicles with jurisdictional authority as soon as practical.
- Okaloosa County deputies shall not engage in any attempt to stop the fleeing vehicle which is in contradiction with the policy of this agency.
- If the jurisdictional authority orders the termination of the vehicle pursuit, after assuming operational command, the

order shall be obeyed.

B. Vehicle pursuits entering Okaloosa County

1) When a vehicle being pursued by a municipality or another county jurisdiction enters in unincorporated Okaloosa County the Okaloosa County Sheriff's Office Communications supervisor shall attempt to obtain the following:

- Reason for the vehicle pursuit
- Details of criminal charges or crimes committed
- Vehicle/suspect information description
- Current information regarding pursuit distance, speed, driver skills

a. The Communications supervisor shall remain on the telephone with the pursuing jurisdiction, and dispatch update information, until Okaloosa County Sheriff deputies are in position to take over radio communication between responding Sheriff's units.

b. The Communications supervisor shall assume the responsibilities as outlined in the General Order.

2) The OCSO supervisor shall determine, based on the information available, if the pursuit is a detriment to public safety and falls within the guidelines of this General Order. If not, the supervisor shall request that the originating agency discontinue the pursuit.

a. The Communications supervisor shall notify the Communications center of the agency originating the pursuit or if in radio contact with the originating agency and advise the following:

- That based on the information provided the pursuit **does not** meet the pursuit criteria for the Okaloosa County Sheriff's Office;
- Request that the pursuit be **discontinued**, and;
- Advise that the Okaloosa County Sheriff's Office **will not** actively engage in the pursuit.

b. If the pursuing agency fails to terminate the vehicle pursuit after being so advised, Okaloosa County deputies shall

- Not interfere with the on-going pursuit, authority for another jurisdiction to pursue is outlined in F.S.C. 790.25;
- Attempt to provide necessary support assistance for the due care of the public by protecting them from inadvertently entering the vehicle pursuit area;
- If the pursuit terminates by accident/abandonment of vehicle, etc., provide necessary assistance as requested or needed by the pursuing agency.

3) If the field supervisor or higher authority authorizes Okaloosa County deputies to engage in the vehicle pursuit the Communications supervisor shall:

a. Notify the Communications center of the agency originating the pursuit or, if in radio contact with the originating agency, advise the following:

- Request that the originating pursuit agency allow OCSO deputies to take over the pursuit;
- Relinquish command authority to Okaloosa County deputies and supervisors;
- Advise that continuation of the pursuit will be governed by OCSO policies and procedures, and;
- Once tactical pursuit positions are established request that the outside jurisdiction units drop out of the active pursuit.

b. Upon assuming command authority the field supervisor shall govern his decision based upon the policies and procedures of this agency.



7. Vehicle Pursuit Decision-Making Matrix

Degree of Seriousness	<u>Decision Threshold</u>	<u>Decision Threshold</u>	<u>Decision Threshold</u>
	Low Risk	Moderate Risk	HIGH RISK
Felony - Violent Crime Against a Person	May Pursue; Continue to assess risks.	May Pursue; Continue to assess risks.	May Pursue; discontinue if risks exceed seriousness of the offense.
Felony - Property Crimes Excluding Stolen Vehicles	May Pursue; Continue to assess risks.	May Pursue; Continue to assess risks.	DO NOT PURSUE
D.U.I.	May Pursue; Continue to assess risks.	May Pursue; Continue to assess risks.	DO NOT PURSUE
1 st Degree Misdemeanors, Moving Criminal Traffic Violations	DO NOT PURSUE	DO NOT PURSUE	DO NOT PURSUE
2 nd Degree Misdemeanors, County Ordinances or All Other Traffic Infractions	DO NOT PURSUE	DO NOT PURSUE	DO NOT PURSUE

* Violent Crimes Against a Person include -

Murder

Kidnaping

Car Jacking

Armed Robbery

Armed Burglary of an occupied dwelling or structure

Sexual Battery

Arson of a Structure or Bombing

Aggravated Battery

Hit and Run Vehicle Crash involving serious injury or death

Objective Risk Factors in Vehicle Pursuits

The below risk factors are meant to serve as a guide in the decision-making process. No single factor should be used to evaluate the risk category. Multiple factors should be taken into consideration.

HIGH RISK:

1. Frequent intersecting streets (e.g. business districts, urban residential areas)
2. Poor weather conditions, slippery streets, low visibility
3. Blind curves, hills
4. Numerous pedestrians or high potential for (i.e. school zones, church congregations)
5. Heavy, congested traffic
6. Speeds twice the posted limit, or greater than 100 mph
7. Extremely hazardous maneuvers (e.g. driving against traffic, disregard for red lights, running other motorist off the roadway, etc.)
8. Numerous law enforcement vehicles engaged in pursuit
9. Deputy excited, not in control of emotions
10. Special circumstances (sporting/public events, school breaks, day of week, time of day)

MODERATE RISK

1. Some intersecting streets (rural residential areas or light business districts)
2. Light pedestrian traffic
3. Moderate traffic, light congestion
4. Speeds greater than 25 mph above posted limit or exceed 60 mph in urban business/residential areas
5. Deputy generally calm, under control
6. Some hazardous, but not extreme, maneuvers (e.g. crossing centerline to pass other vehicles)
7. Authorized number of law enforcement vehicles engaged in pursuit

LOW RISK

1. Straight road, good surface, clear line of sight, rural county road or four lane highway/interstate
2. Few intersections
3. Few or no pedestrians

5. No hazardous maneuvers by violator
6. Little to no traffic
7. Speeds less than 25 mph above posted limit or do not exceed 75 mph in 55+ speed zone
8. D.U.I. type driving habits (i.e. weaving, running off road shoulder, etc..)
9. Authorized number of law enforcement vehicles involved in pursuit
10. Deputy calm, in full control