

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: October 6, 2003	<input checked="" type="checkbox"/> Rescinds - G.O. 461.0 (April 3, 2002), T.B. 95-10 (November 9, 1998), and T.B. 95-12 (April 3, 2002) <input type="checkbox"/> Amends	Number: 461.0
SUBJECT: VEHICLE APPREHENSION / PURSUIT POLICY		Print Date:
Distribution: ALL SWORN AND COMMUNICATIONS PERSONNEL	CALEA Standards: 41.2.2, 41.2.3, 61.3.4 CFA Standards:	

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. Purpose

The purpose of this policy is to establish the guidelines for vehicle apprehensions and pursuits.

2. Policy

A. Vehicle Apprehension

1. A vehicle apprehension is justified when the necessity of immediate apprehension of the suspect(s) outweighs the danger to the community created by the apprehension.
2. Deputies shall keep the public and their personal safety foremost in their minds.
3. The element of personal challenge to the deputy must never enter into a decision to pursue. Members of the agency shall not ridicule or demean others for decisions regarding the initiation or termination of vehicle apprehensions or pursuits. This does not include a supervisor's observations regarding an officer safety concern or violation of policy.
4. The exemptions from complying with traffic laws granted to emergency vehicles by Florida State Statutes apply in all vehicle apprehension situations.
 - a. Section 316.072(5), Florida State Statutes, authorizes emergency vehicles to disregard traffic signals (after slowing down as may be necessary for safe operation), stop signs, speed limits, directional signs, etc. as long as they do not endanger life and property when in pursuit of suspected or actual violators of the law.

- b. Section 316.126, Florida State Statutes, requires that emergency equipment (i.e., siren and/or emergency lights) be in continuous use when emergency vehicles are being operated beyond the laws regulating all other traffic.
 - c. Although Florida State Statutes allow for use of lights and/or siren it should be noted that agency policy requires the continuous operation of emergency lights and siren for those units in direct vehicle pursuit. Operational control of lights and siren remain at the discretion of deputies in all other circumstances.
- B. Vehicle Pursuit Decision Making
1. Deputies are authorized to pursue for the Forcible Felonies listed in the definitions section of this policy only after careful consideration of the significant factors listed in the Procedures 4(B) section of this policy.
 2. In exigent circumstances a deputy may pursue only if there is a reasonable belief that the continuing conduct of the violator presents an immediate and life threatening danger to the public, deputy(ies) or the violator. Deputies will constantly assess this threat and if it lessens they should respond appropriately. Communications shall ensure the supervisor is aware of the deputy's actions and the supervisor shall render an immediate decision to continue or discontinue the pursuit or action. The act of fleeing shall not in and of itself create the exigent circumstances.
 3. When a supervisor, a manager, the primary pursuit vehicle, or flight crew member directs that a vehicle pursuit be terminated, all deputies will do so immediately by ceasing to follow in any way, the fleeing vehicle and turning off all emergency equipment. Each unit actively engaged in the pursuit shall acknowledge their termination via radio. Deputies shall conform to all traffic laws once no longer engaged in the vehicle pursuit.
 - a. Any deputy with pertinent tactical considerations (upcoming school zone, heavy pedestrian traffic ahead, change in road hazards, etc.) shall advise the supervisor in charge of the pursuit of such information to aid in the supervisor's decision making to continue or discontinue the pursuit.
 - b. Any deputy who observes a vehicle not in compliance with the above order to discontinue a pursuit shall notify the supervisor in charge of the deputy's vehicle and location.
 4. The decision to continue or discontinue a vehicle pursuit is the responsibility of each deputy until a supervisor, a manager or flight crew becomes aware of the situation and renders a decision. A deputy may elect to discontinue a vehicle pursuit at any time.
 5. Examples of crimes that are not authorized for pursuit include, but are not limited to: Arson, Burglary, Driving under the Influence, Grand Theft Auto, Misdemeanors and Traffic Offenses. This list is not meant to be

exhaustive and other crimes may be included.

3. **Definitions**

- A. **Vehicle Apprehension** – the tactics and strategies that are designed to take a suspect into custody, who is in a moving motor vehicle that includes, but is not limited to, delayed apprehension, tactical parking, diversionary traffic stops, vehicle pursuit, controlled tire deflation devices, aerial observation/direction, stationary roadblock (channelization), electronic tracking or other tactics in the case of exigencies.
- B. **Vehicle Pursuit** – an event that is initiated when a deputy, operating an authorized emergency vehicle, gives notice to stop (either through the use of visual or audible emergency signals or a combination of devices) to a motorist who the deputy is attempting to apprehend, and the motorist fails to comply with the signal by taking evasive action to elude the deputy's continued attempts to stop the motorist (i.e., accelerating speed, violating traffic laws, creating distance, etc.). The pursuit ends when the motorist stops or the deputy discontinues the attempt to apprehend.
- C. **Traffic Stops** – the performance of daily traffic stops and other similar law enforcement duties in which a deputy operates warning lights with or without sirens and/or otherwise clearly gives a signal to stop and the subject complies by coming to a stop in a reasonable distance is not to be considered a vehicle apprehension for the purpose of this policy.
- D. **Primary Pursuit Vehicle** – the emergency unit that is immediately behind the violator.
- E. **Secondary Pursuit Vehicle** – the emergency unit that trails the primary pursuit unit.
- F. **Active Participants** – all deputies who directly follow the vehicle pursuit.
- G. **Paralleling** – additional units that operate on roads parallel to the vehicle pursuit.
- H. **Tire Deflation Devices** – equipment designed to be placed in the path of an oncoming violator vehicle and struck by that vehicle. When struck the affected tires are pierced by objects that let a controlled amount of air out of the tire and cause the vehicle to become difficult to operate. These tire deflation devices are to be used only in a manner consistent with training.
- I. **Stationary Roadblock (Channelization)** – tactic designed to offer a limited path of travel to a moving violator vehicle. The channelization is designed to offer an obstacle to the violator and makes use of an overwhelming display of force and tire deflation devices should the violator choose to proceed through the path of escape (channel).

- J. Tactical Parking – the positioning of one or more agency vehicles, marked or unmarked, in a position to eliminate the fleeing of a suspect vehicle from a parked position.
- K. Electronic Tracking – equipment that is in a vehicle that allows it to be tracked from a remote location. This is either done through a proprietary means or by the use of G.P.S. Satellites, or some other combination. There are several vendors that offer this type of service, some of which include: Lo-Jack ©, On Star © and UniTRACKING ©.
- L. Forcible Felony – those crimes articulated in FSS 776.08 that vehicle pursuits are authorized to be engaged and include; Murder, Manslaughter, Sexual Battery, Carjacking, Home Invasion, Kidnapping, Robbery, Aggravated Assault, Aggravated Battery, Aggravated Stalking and Placing/Discharging a destructive device. (**Note:** The property crimes of Burglary and Arson are not authorized for a pursuit.)
- M. Exigent Circumstances – those situations that fall outside the normal scope of operation or policy and require immediate aid or action. In exigent circumstances a deputy may pursue only if there is a reasonable belief that the continuing conduct of the violator presents an immediate and life threatening danger to the public, deputy (ies) or the violator.

4. **Procedures**

- A. When a decision is made to engage in a vehicle pursuit, deputies will maintain their vehicles under safe, maneuverable control.
- B. Significant factors to be considered when involved in a vehicle pursuit that should be continuously evaluated.
 - 1. Whether the originating offense meets the policy threshold for pursuit.
 - 2. Safety of the public in the area of the vehicle pursuit.
 - 3. Safety of the pursuing deputies.
 - 4. Time of day.
 - 5. Volume of vehicular traffic.
 - 6. Volume of pedestrian traffic.
 - 7. Location of vehicle pursuit.
 - 8. Weather conditions.
 - 9. Road conditions.
 - 10. Familiarity of deputies and supervisors with the area of the vehicle pursuit.

11. Speeds involved.
12. Quality of radio communications between pursuing deputies, the dispatcher and the supervisor.
13. Type of road.
14. Whether the suspect being pursued is readily identifiable or subject to capture at another time or by other means.
15. Actions of the person being pursued.
16. Demeanor of the pursuing deputies.

C. Responsibilities

1. Primary Pursuit Vehicle
 - a. Maintain contact with the violator.
 - b. Give initial location, direction of travel, suspect and vehicle description and crime committed information via radio.
 - c. Constantly evaluate all factors to continue or discontinue the pursuit.
 - d. Assume responsibility for completion of applicable reports stemming from the vehicle pursuit.
2. Secondary Pursuit Vehicle
 - a. Handle all ongoing communications via radio relating to direction(s) of travel, additional suspect description(s), and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to any vehicle(s) involved or to the dispatcher.
 - b. Assist the primary pursuit vehicle as necessary.
 - c. Constantly evaluate all factors to continue or discontinue the pursuit.
 - d. Assist the primary pursuit vehicle with the required documentation pertaining to the pursuit.
3. Supervisor in Command
 - a. Shall immediately take command and control of the vehicle pursuit.
 - b. Overall responsibility for the decisions concerning continuance or discontinuance of the vehicle pursuit.
 - c. Command of the vehicle pursuit tactics.
 - d. Constantly evaluate all factors to continue or discontinue the pursuit.
4. Dispatcher
 - a. Ensure the road supervisor is made aware of the vehicle pursuit.
 - b. Ensure the Communications supervisor is made aware of the vehicle pursuit.
 - c. Advise and keep other units informed of the vehicle pursuit.

5. Shift Lieutenant or Watch Commander
 - a. Shall monitor the vehicle pursuit and ensure compliance with this General Order.
 - b. Shall immediately take command and control of the vehicle pursuit in the event a supervisor fails to do so.
- D. Conduct of the Vehicle Pursuit
1. The primary pursuit vehicle and the secondary pursuit vehicle will be the only ground vehicles to pursue a fleeing vehicle, unless specific authorization has been granted by a supervisor.
 - a. When possible a K-9 deputy will be utilized to assist the primary and secondary vehicles in a vehicle pursuit.
 - b. When a K-9 deputy is utilized in a vehicle pursuit, (not as the primary vehicle) the K-9 deputy will maintain the number three position during the vehicle pursuit.
 2. The supervisor may request additional vehicles to assist for officer safety.
 3. The secondary pursuit vehicle shall not follow too closely and shall not attempt to pass the primary pursuit vehicle unless the primary pursuit vehicle is forced to drop out of the vehicle pursuit.
 4. Sirens and emergency lights will be used throughout the vehicle pursuit by all vehicles actively engaged in the vehicle pursuit. Deputies shall have operational control over emergency equipment in all other circumstances (paralleling, roadblocks, deploying tire deflation devices, etc.).
 5. Existing conditions and the availability of other road patrol or Aviation units will be used to determine the course of action taken to apprehend a fleeing violator. Available back up units will remain in their assigned zones, unless otherwise directed. However, back up units will move to the area of their zone that is closest to the location of the vehicle pursuit. Units assigned to duties other than patrol will not participate in any vehicle pursuit unless directed to do so by a supervisor or pursuing deputy.
 6. Units directed to parallel the vehicle pursuit will operate in an emergency mode (lights and/or siren on) unless directed otherwise by the supervisor.
 7. Deputies should attempt to provide for due care and safety of the public by protecting them from inadvertently entering the vehicle pursuit area.
 8. Deputies in unmarked vehicles and on motorcycles may pursue a fleeing vehicle, using due care, and using proper emergency equipment (emergency lights and siren) until a marked vehicle with emergency equipment can take over the vehicle pursuit.
 9. The use of a tire deflation device is encouraged as a means of terminating vehicle pursuits.

- a. Deployment of a tire deflation device is at the discretion of any deputy who can safely deploy the device consistent with training.
 - b. A tire deflation device shall only be deployed by personnel who have received training.
 - c. A tire deflation device shall not be deployed to terminate motorcycle pursuits.
 - d. Deputies involved in the deployment of a tire deflation device shall redirect civilian vehicle traffic away from the deployment area.
 - e. A tire deflation device is designed to be employed when the vehicle to be apprehended is traveling at 10 mph or greater. Tire-deflation devices are not effective at lower speeds.
10. A Stationary Road Block (Channelization) may be authorized if the circumstances surrounding the vehicle apprehension justify the need.
- a. Authorized by a lieutenant or above.
 - b. All Stationary Road Blocks (Channelizations) must be illuminated with flares or patrol vehicle overhead emergency lights and emergency lighting equipment. Proper care must be given to avoid completely blinding the fleeing driver.
 - c. Tire deflation devices shall be used if available.
 - d. This technique shall only be used by personnel who have received training provided by the Training Section.
- E. Diversionary Traffic Stop/ Auto Trap Technique
- A system of covert vehicle maneuvers, utilizing a minimum of three vehicles tactically parked, resulting in the immobilization of the target vehicle. This technique is only authorized when all involved participants have successfully completed the diversionary traffic stop class.
1. Civilian Safety
Special attention will be paid to civilians in the area so their safety is not jeopardized.
 2. Cross-Fire
Deputies must be aware of the potential for a cross-fire. If firearms become involved deputies should position themselves for maximum safety.
 3. Deputies shall take a position that does not place them in the path of the vehicle. (Note: this does not apply to the deputy positioning for an auto trap technique.)
 4. Terminating the Procedure
 - a. If there is an indication from the suspect that he/she is aware of the vehicles' presence and alerted to this tactic, this method will not be utilized.
 - b. The deputy in the primary apprehension vehicle or the supervisor in charge will direct the actions of all vehicles involved in the Tactical Parking Procedure

F. Vehicle Pursuit Communications

1. Upon initiation of a vehicle pursuit the deputy should immediately notify the dispatcher of the vehicle pursuit and furnish all pertinent details including but not limited to: description of the vehicle, tag number, occupants, location and direction of travel, reason for the vehicle pursuit and request emergency traffic on the radio.
2. Communications Operator shall ensure that the supervisor of the deputy involved in the vehicle pursuit shall be advised of the pursuit via the radio and the supervisor in charge shall acknowledge via the radio his/her knowledge of the vehicle pursuit in progress.
3. Communications will advise other units on all radio zones/Talkgroups and notify the Aviation unit(s) and K-9 unit(s) to respond.
4. The radio zone on which the vehicle pursuit is conducted will be the sector zone in which the vehicle pursuit started.
5. If the vehicle pursuit goes into another sector from which it started, the radio traffic continues on the originating zone. As the vehicle pursuit enters the zone of another sector, the Communications Operator shall patch the Talkgroups rather than have the pursuing deputy switch channels. If there is an operational or technical reason for switching to another zone, that decision will be made by the supervisor who has command of the situation.

G. K-9

1. Members of the K-9 Unit will be advised by Communications of all vehicle pursuits. When possible, K-9 deputies will be utilized as vehicle number three and will stay close enough so the K-9 may be utilized in the apprehension or tracking of suspect(s) if necessary.
2. The utilization of K-9 will be coordinated through the supervisor in command.
3. K-9 units actively engaged in the vehicle pursuit will complete a Supplemental Report detailing their actions.

H. Aviation Assistance

1. Aviation units will be requested to respond to all vehicle pursuits.
2. If the Aviation flight crew makes visual contact with the vehicle being pursued, they will immediately advise the surface units. The flight crew will keep the supervisor apprised of the suspect's location for other available tactical apprehension options.
3. If the applicable factors or other safety concerns dictate that surface units discontinue a pursuit the flight crew shall make the appropriate recommendation to the supervisor.

4. If the Aviation flight crew observes an agency vehicle actively engaged in a pursuit after an order has been issued to disengage, the flight crew shall advise the supervisor in command of the vehicles identification via radio.
- I. Responsibility for vehicle pursuits that cross sector boundaries rests with the supervisor or Watch Commander of the sector in which the vehicle pursuit began, unless control is taken over by a deputy of higher rank.
- J. A decision to discharge a firearm at or from a moving vehicle will be made in accordance with G.O. 470, Section 4(A).
- K. Post Pursuit Reporting and Review
 1. An Incident Report shall be completed by the Primary Pursuit Vehicle and a Supplement Report by units actively engaged in the pursuit. All vehicle Apprehension Tactics used or attempted shall be documented in the Incident Report with the deputy (ies) name and description of the technique employed. (Tire deflation devices, Road Blocks, etc.)
 2. The Motor Vehicle Apprehension/Pursuit Form shall be completed as follows:
 - a. When a deputy conducts a traffic stop as defined in this policy and the violator refuses to comply with the commands.
 - b. When engaged in a vehicle pursuit.
 - c. Or when directed by a supervisor.
 3. The Motor Vehicle Apprehension/Pursuit Form shall be completed by the deputy conducting the vehicle apprehension or pursuit and submitted to the next level of supervision prior to the end of the shift.
 4. The deputy's supervisor shall ensure the Motor Vehicle Apprehension/Pursuit Form is properly completed and verify compliance with agency written directives. The deputy's supervisor shall critique the incident with the deputy conducting the vehicle apprehension/pursuit along with any other agency personnel involved. If necessary, the supervisor shall document any problems or concerns that may impact the conduct of future vehicle apprehensions.
 5. The deputy's supervisor shall sign the Motor Vehicle Apprehension/Pursuit Form and forward it via chain of command to the appropriate Division Commander. The Division Commander shall review the circumstances of the motor vehicle apprehension to ensure compliance with all appropriate agency written directives. The Division Commander, upon completion of the review, shall distribute the form as follows:
 - a. White copy –Section
 - b. Yellow copy – Research & Development
 - c. Pink copy - Training Section

6. The Training Section lieutenant shall conduct an annual, documented analysis of all vehicle apprehension/pursuit reports in order to identify compliance to policy, specific patterns or trends that indicate training needs and/or policy modifications. This analysis shall be distributed to the Sheriff and the Command Staff.
 7. Any motor vehicle apprehension/pursuit determined not to be in compliance with agency directives shall be handled in accordance with General Order 340.0.
- L. Multi-Jurisdictional Vehicle Pursuits
1. Vehicle Pursuits from Orange County into another County
 - a. Deputies engaged in a vehicle pursuit that leaves Orange County may continue the pursuit into another county provided the deputy has the approval of the supervisor in command of the vehicle pursuit.
 - b. The Communications Supervisor is responsible for promptly notifying the county into which the vehicle pursuit is traveling. This notification should include but is not limited to the following:
 1. Vehicle and suspect descriptions.
 2. Details of the charges.
 3. Any available data on the vehicle pursuit, such as length, speeds, and suspect's driving skills displayed.
 - c. The county into which the vehicle pursuit is traveling is responsible for determining if they will assist with the pursuit.
 1. If the county into which the vehicle pursuit is traveling determines they will assist with the pursuit, personnel from that agency shall assume command of the vehicle pursuit once a deputy from that county joins the pursuit.
 2. Upon the arrest of the suspect being pursued, the requirements of Section 901.25, Florida State Statutes, shall be followed. (This section directs that the arrestee be taken before a judge of the county in which the arrest is made.)
 - d. Deputies of the Orange County Sheriff's Office engaged in a vehicle pursuit outside Orange County shall continue to follow all policies and procedures of the Orange County Sheriff's Office.
 2. Vehicle Pursuits from Other Jurisdictions Entering Unincorporated Orange County.
 - a. If a vehicle pursuit being conducted by a municipality or an adjoining county enters unincorporated Orange County the Orange County Sheriff's Office Communications Supervisor will attempt to obtain the following information.
 1. The reason for the vehicle pursuit.
 2. Details of the criminal charges.
 3. Vehicle and suspect information.
 4. Any available data on the vehicle pursuit such as length, speeds, and suspect's driving skills displayed, etc.

- b. If it is determined by an Orange County Sheriff's Office supervisor that continuing the vehicle pursuit is a detriment to public safety, the pursuing agency will be asked to immediately discontinue the vehicle pursuit. This notification will be made by the Orange County Sheriff's Office Communications Supervisor.
- c. In the event the pursuing agency fails to terminate the vehicle pursuit, Orange County Sheriff's Office deputies should attempt to provide for due care and safety of the public by protecting them from inadvertently entering the vehicle pursuit area.
- d. If the decision is made to continue the vehicle pursuit the Orange County Sheriff's Office Communications Supervisor shall inform the pursuing agency that once the vehicle pursuit is in unincorporated Orange County, command of the vehicle pursuit is the responsibility of the appropriate Orange County Sheriff's Office supervisor.
- e. Once the appropriate Orange County Sheriff's Office supervisor assumes command of the vehicle pursuit that supervisor shall monitor the pursuit and either terminate the vehicle pursuit or actively attempt to apprehend the violator according to this General Order.
- f. If an arrest is made, the requirement of Section 901.25, Florida State Statutes, shall be followed. (This section directs that the arrestee be taken before a judge of the county in which the arrest is made.)

SHERIFF KEVIN BEARY