

# PALM BEACH GARDENS POLICE DEPARTMENT

## PURSUIT DRIVING AND FORCIBLE STOPPING

### POLICY AND PROCEDURE 4.2.1.3

**Effective Date :**  
07/10/2015

**Accreditation Standards:**  
CALEA 41.2.2, 41.2.3  
CFA 17.06M, 24.04M

**Review Date:**  
07/01/2016

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**PURPOSE:** To establish guidelines and responsibilities for vehicle pursuits requiring emergency operation of Police Department vehicles.

**SCOPE:** This policy and procedure applies to all officers and to emergency communications operators.

**REVIEW RESPONSIBILITY:** Patrol Operations Bureau Major

**POLICY:** Emergency operations of department vehicles shall be conducted in strict accordance with existing statutes, rules and procedures. Vehicle pursuit is one of the most dangerous duties a police officer must perform. When a decision to pursue is made, the safety of all concerned must be considered. The seriousness of the offense must be weighed against the risks to the health and welfare of citizens who might be affected by the chase. During the pursuit, continuous balancing of the seriousness versus safety is mandatory. An officer or supervisor shall terminate a pursuit whenever the risks to the safety of the officers or citizens outweigh the danger to the community if the offender is not caught. No task is of such importance as to justify the reckless disregard for the safety of innocent persons. The principles of safety shall not become secondary. The primary responsibility for the decision to overtake or pursue another vehicle rests on the individual officer. In arriving at their decision officers must carefully consider all factors involved and the possible consequences.

#### PROCEDURES

##### 1. GENERAL PROCEDURES

- a. Vehicle pursuit is justified only when the officer knows or has reasonable grounds to believe the suspect is attempting to evade apprehension and the suspect has committed or is attempting to commit a violent felony, or, if allowed to escape, may present a danger to human life or cause serious injury to other people.
  - i. Pursuits for non - violent crimes and traffic violations are expressly prohibited.
- b. All pursuits must be conducted within the guidelines of Florida State Statute 316.072 and this policy and procedure. It should be noted that the statute, while authorizing certain activities, does not

relieve any pursuing officer of "the duty to drive with due regard for the safety of all persons," nor "protect the driver from the consequences of his or her reckless disregard for the safety of others."

- i. Department members will be held strictly accountable for the consequences of any reckless disregard for the safety of others.
- c. No officer will be censured for terminating a pursuit, when, in the officer's opinion, continuing the pursuit constitutes an unreasonable risk.

## **2. TERMINATION OF PURSUIT**

- a. The decision to abandon pursuit may be the most intelligent course of action. A pursuing officer must constantly question whether the seriousness of the offense justifies continued pursuit. In any case, a pursuit shall terminate under any of the following circumstances:
  - i. If, in the opinion of the pursuing officer or a supervisor, there is a clear and unreasonable danger to the officer or others created by the pursuit that outweighs the necessity for immediate apprehension.
  - ii. The suspect's identity has been established so that later apprehension can be accomplished, and there is no longer a need for immediate apprehension.
  - iii. The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.
  - iv. The pursued vehicle's location is no longer known.
- b. Generally, a pursuit should be terminated when the pursuing unit loses radio communications with the Communications Center, however it is recognized that exigent circumstances may justify the continuation of the pursuit. Factors to be considered in deciding to continue the pursuit include:
  - i. The seriousness of the offense.
  - ii. Any immediate danger posed to the public by allowing the offender to escape.
  - iii. The presence of a secondary or back-up unit or assisting units from other agencies.
  - iv. The ability to communicate via other methods such as relay through another agency or via hands free cell phone.
- c. Termination of a pursuit does not necessarily prohibit the following of a vehicle at a safe speed in accordance with all traffic laws or remaining in an area to re-initiate pursuit if the opportunity and conditions permit.
- d. When terminating a pursuit, the officer must advise the Communications Center that the pursuit is being terminated.
  - i. The officer will also turn off their vehicle's emergency lights and siren and resume driving at a safe and legal speed.

## **3. INITIATING/PRIMARY UNIT RESPONSIBILITIES**

- a. The responsibility for the decision to initiate pursuit rests with the individual officer. The officer shall, in all cases, notify the Communications Center when a pursuit is underway and provide the following information:
  - i. Police unit identification;
  - ii. The specific reason for the pursuit, including known laws violated;
  - iii. Vehicle description including license number, if known;
  - iv. Location, speed and direction of travel, traffic conditions, weather conditions (if a factor), with periodic updates;
  - v. Number and description of occupants;
  - vi. If the pursuit leaves the city limits; and,
  - vii. When switching to another radio frequency.
- b. All radio communication should be conducted using calm tones (avoid shouting) with the vehicle windows closed to minimize interference from the siren.

- c. All communications will be conducted using the police radio.
  - i. If radio communication is lost, the officer shall terminate the pursuit.
  - ii. Cellular phones and other non-police radio forms of communication are prohibited except for exigent circumstances as described in Section 2.b.
- d. The initiating/primary unit shall be in field command and bears operational responsibility for the pursuit unless relieved by a supervisor.
  - i. The authority of this unit pertains to the immediate field operation and is, always, subordinate to the Sergeant.
- e. The primary unit may maintain pursuit as long as it is safe to do so; until directed to terminate the pursuit by a supervisor; the suspect is stopped; or a reasonable distance has been covered which may indicate the futility of continued pursuit.
- f. Failure to terminate a pursuit when directed to do so by a supervisor will subject the officer to department discipline.

#### **4. ASSISTING UNIT RESPONSIBILITY**

- a. Assistance will be coordinated by the Communications Center under the direction of the shift supervisor. The shift supervisor and primary unit will be advised of the identity and locations of units who can assist.
- b. An active pursuit will normally involve no more than two units (the primary unit and one backup unit). If more assistance is requested or required, the amount will be determined by:
  - i. Nature of offense;
  - ii. Number of suspects;
  - iii. Whether the participating units are single or double officer cars; and
  - iv. Other clear and articulated facts that would warrant the increased hazards of additional units in the pursuit.
- c. Only the shift supervisor may authorize more than two units to be in active pursuit. All other units should remain aware of the direction and progress of the pursuit but shall not actively participate and shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.
- d. An authorized assisting unit shall immediately notify the Communications Center of its identity upon joining the pursuit.
- e. If the primary unit is a one-officer car, the assisting unit will assume radio communications responsibility, allowing the primary officer to devote full attention to driving.
- f. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render back-up assistance when required.
- g. Assisting units shall avoid intersecting the path of the suspect vehicle.
- h. If the primary unit becomes disabled, the assisting unit will become the primary unit. The supervisor may authorize a new backup unit.

#### **5. COMMUNICATIONS CENTER RESPONSIBILITIES**

- a. During a pursuit, a Communications Center member will:
  - i. Receive, repeat, and properly record all incoming information on the pursuit, the pursued vehicle(s) and occupant(s).
  - ii. Immediately notify the shift supervisor when a pursuit is initiated.
  - iii. Clear the radio channel of unrelated traffic, advise other units that a pursuit is in progress and broadcast relevant information.
  - iv. Perform relevant records and motor vehicle checks. When appropriate, this information will be relayed to all units.
  - v. Control all radio communication during the pursuit.
  - vi. Coordinate assistance under the direction of the Sergeant.

- vii. Notify outside agencies if the pursuit enters their jurisdiction and advise the other jurisdiction if the notification is a request for assistance or an informational notification with no participation requested, as determined by the Sergeant.
- viii. At the direction of the Sergeant, check on the availability of air support and request it's assistance if directed.
- ix. Continue to monitor the pursuit until it has been terminated and advise the Sergeant as necessary on updated information.
- x. Notify the appropriate agency when a pursuit terminates outside the city limits. When a pursuit terminates without an apprehension, notify the appropriate agency of the
  - 1. suspect(s) last known location,
  - 2. travel direction,
  - 3. descriptions of the suspect(s), and
  - 4. the reason(s) for the pursuit.

## **6. SUPERVISORY RESPONSIBILITIES**

- a. The supervisor responsible for a pursuit will be the on-duty Sergeant. If more than one Sergeant is on-duty, the supervisor responsible for the area of the city where the pursuit originates shall be responsible for the pursuit unless another supervisor has taken control due to the circumstances. The supervisor responsible for the pursuit shall acknowledge the pursuit and assumption of command via the police radio.
- b. Every sworn department supervisor of superior rank to the supervisor in charge of a pursuit shall have the authority to take command of the pursuit and order its termination if appropriate.
- c. Upon being notified of a pursuit, the responsible supervisor will verify the following:
  - i. The reason for the pursuit is in compliance with this policy and procedure.
  - ii. No more than the necessary units are involved.
  - iii. Proper communication procedures are being followed.
  - iv. Other affected agencies have been notified and assistance requested if necessary.
- d. The supervisor will direct the pursuit, approve or order alternative tactics, and maintain control until the pursuit is terminated.
- e. The supervisor must weigh the known facts against the criteria contained in this directive to determine if the dangers involved in the pursuit outweigh the need to make an immediate apprehension.
  - i. The supervisor will be held accountable for failure to terminate a pursuit when appropriate.
- f. If the pursuit terminates in our jurisdiction, the supervisor will proceed to the termination point to provide guidance and supervision.
- g. If the pursuit terminates outside of the city, the supervisor may respond if circumstances (property damage, injury, use of force, etc.) require. If no other Sergeant is available to remain in the city, the supervisor will designate an officer-in-charge to assume command and remain within the city limits until the supervisor returns.
- h. At the conclusion of a pursuit, either through termination or apprehension, the Sergeant responsible for the pursuit, will complete a written critique of the incident.
  - i. The critique will contain a review of the facts surrounding the incident as it relates to adherence to Department policy and procedure.
  - ii. A finding and recommendation in those circumstances where there are deviations from policy and procedure.
  - iii. This critique shall be written in memorandum format, within 48 hours of the pursuit and forwarded to the Chief's office via the chain of command.
  - iv. Each supervisor in the chain of command shall promptly review and initial the critique and pass it on to the next level.

- v. Each supervisor reviewing the critique should provide comments if he/she feels there is an issue as to the appropriateness of the pursuit or compliance with department policies and procedures.
- i. After review by the Chief of Police, the critique will be forwarded to Professional Standards for filing. Professional Standards will conduct an annual analysis of these pursuit critiques; review this policy and reporting practices for the purpose of identifying procedural, training, or other issues. This analysis of pursuits shall be provided to the Chief of Police.

## **7. PURSUITS BY ANOTHER AGENCY**

- a. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit.
  - i. The caller from the outside department will be specifically asked if they are making a request for assistance or merely making a notification.
  - ii. The specific reason for the pursuit shall be determined prior to this department's involvement.
- b. Officers shall not become involved in another agency's pursuit unless specifically authorized by the Sergeant, or unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance and/or the emergency nature of the situation dictates the need for assistance.
  - i. In these instances, all departmental pursuit policies are in effect.
- c. The supervisor receiving notification of a pursuit by an outside agency shall carefully assess the circumstances to determine if the pursuit is likely to enter the department's jurisdiction.
  - i. The supervisor must specifically authorize any assistance by this department, and the guidelines established in this policy and procedure will be in effect.
- d. Prior to making any radio broadcast, the communications center will attempt to obtain from the notifying department the same information our primary unit is expected to provide. With the approval of the supervisor, requests by other agencies for pursuit assistance will be broadcast and the first marked unit to join will be designated as the back-up unit.
- e. All provisions of this policy shall apply to pursuits into our city by outside agencies.
  - i. If the reason for their pursuit does not justify our active participation in the pursuit, the other agency shall be advised and we will offer any other assistance that may be necessary in each situation.
- f. The supervisor shall ensure that department units do not continue the pursuit once the chase has passed our city limits unless necessary to assist and for the safety of the outside agency's pursuing unit.

## **8. PURSUIT VEHICLE OPERATION AND TACTICS**

- a. To diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when possible, be in close proximity to the suspect vehicle before activating the emergency lights and siren.
- b. Extreme caution must be used whenever officers disregard traffic signs or signals.
- c. Officers engaged in a pursuit shall use both visual (light bar) and audible (siren) warning devices. No officer may continue a pursuit if the emergency equipment on the unit ceases to function properly.
- d. Air support may be utilized if available. When an air unit establishes visual contact with the pursued vehicle, the ground units will be notified of that contact and the air unit will direct the movement of the units through use of inter-city communications or relay via the communications center. The pursuing vehicles may then drop back and follow at a safe distance.
- e. The following tactics are prohibited unless such actions are expressly approved by a supervisor or when the suspect is creating an immediate danger to others and deadly force would be authorized:
  - i. Deliberate contact between vehicles.

- ii. Forcing the offender into parked cars, ditches, or any other obstacle.
- iii. Boxing in or heading off, ramming; or driving alongside the pursued vehicle while it is in motion.
- iv. Reckless or hazardous driving maneuvers of the pursued vehicle should not be duplicated by any pursuing unit.
- v. All units in a pursuit shall space themselves at a distance that will ensure proper braking and reaction time for any sudden or unexpected maneuvers.
- f. Officers operating unmarked vehicles **NOT** equipped with emergency lights **AND** sirens may not engage in a pursuit but may follow suspect vehicles, complying with all traffic regulations, until marked units arrive to assist.
- g. Officers operating unmarked vehicles equipped with emergency lights **AND** sirens and officers operating police motorcycles may engage in a pursuit only until marked units can assume the pursuit. Once primary and assisting patrol units assume the pursuit, the unmarked vehicle or motorcycle shall withdraw from the pursuit.
- h. No officer will continue a pursuit if their vehicle becomes involved in a traffic collision, unless the collision is with the pursued vehicle and no other police unit is available to assume control.
- i. Police units with non-sworn passengers (prisoners, witnesses, ride-alongs, etc.) are strictly prohibited from becoming involved in pursuits.

## 9. FORCIBLE STOPPING

- a. The use of Stop Sticks or other tire deflation devices must be authorized by the supervisor. The use of a Stop Stick or similar device is considered a reasonable means to terminate a pursuit.
  - i. Only persons trained in the use of the tire deflation device being used may deploy the device.
  - ii. Tire deflation devices will not be used against motorcycles, other two-wheeled, or three-wheeled vehicles.
  - iii. Tire deflation devices may be used against fleeing vehicles of non-violent felons that otherwise could not be pursued, e.g., felonies involving property crimes; however the use of a tire deflation device in this circumstance does not justify a high speed pursuit of such vehicle if it does not stop, either before or after the deployment of a tire deflation device.
  - iv. When a tire deflation device is successfully deployed against a vehicle that otherwise could not be pursued within the limits of this policy, officers may follow that vehicle in an attempt to apprehend the occupants so long as the vehicle is not being driven in such a way as to create a risk to the public.
- b. The use of a roadblock must be authorized by a supervisor.
- c. The use of roadblocks is prohibited except when circumstances dictate that a roadblock is the only alternative for apprehending a suspect who presents an imminent threat of death or great bodily harm to a person, such as in a kidnapping situation.
- d. The authorized roadblock for this department is a fixed roadblock, whereby the placement of vehicles, barricades, etc. funnels traffic through a fixed location for observation and/or interview.
- e. Officers shall receive training in the use of this Department's authorized roadblock techniques.
- f. Any time a roadblock is used, it must be established in a manner that allows the roadblock to be seen from sufficient distance to allow approaching vehicles, including the suspect vehicle, to come to a safe stop.
- g. For the purpose of this policy and procedure, safety and sobriety checkpoints addressed in Policy and Procedure 4.2.3.10, are not considered to be roadblocks.
- h. Passing the suspect vehicle or another pursuing police vehicle is prohibited unless authorized by the supervisor controlling the pursuit.
- i. The use of a roadblock or forcible stopping technique shall be detailed in the written report and administrative review required for each pursuit.

**10. GLOSSARY**

**Vehicle Pursuit:** An active attempt by one or more officers to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed or other evasive tactics such as driving off the roadway, sudden or unexpected movements or willfully failing to yield to a signal to stop.

**Violent Felony:** A felony that involves an actual or threatened attack that the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury.

**Roadblock:** Any method, restriction or obstruction used or intended for the purpose of preventing free passage of vehicles on a roadway to effect the apprehension of an actual or suspected offender in a vehicle.

**Primary Pursuing Unit:** The police unit that initiates a pursuit or any unit that becomes the first pursuing unit behind the suspect.

**Terminate Pursuit:** To deactivate audible and visual emergency warning equipment (siren and lights) and resume a safe speed.

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DRAFTED: SDD / 07-10-2015

FILED: 4.2.1.3.pdf

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07/10/2015  
Date