

# MODEL POLICY

	<b>SUBJECT</b> Law Enforcement Vehicle Operations	<b>POLICY NUMBER</b> 1.01
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## 1.01.01 PURPOSE

To establish and prescribe guidelines and procedures for all law enforcement agency-owned vehicles operated by law enforcement officers in the official performance of their duties.

## 1.01.02 POLICY

All personnel operating emergency law enforcement vehicles shall exercise due regard for the safety of all persons and operate in compliance with all applicable state traffic laws.

## 1.01.03 AUTHORITY

Section 316.072(5), Florida Statutes  
Florida Law Enforcement Driving Task Force Committee

## 1.01.04 DEFINITIONS

- A. **DISTRACTED DRIVING** – Any activity that could divert a person’s attention away from the primary task of driving. *All* distractions endanger driver, passenger, and bystander safety. These types of distractions include texting, using a cell phone or smartphone, eating and drinking, using a navigation system, viewing and/or typing on a laptop, or reading while driving.
- B. **DUE REGARD** – When a reasonably careful person, performing similar duties under similar circumstances, would act in the same manner.
- C. **EMERGENCY** – A situation in which there is a high probability of death or serious bodily injury to an individual or significant property loss.
- D. **LAW ENFORCEMENT OFFICER (LEO)** – Any sworn law enforcement agent who has the authority to arrest.
- E. **LAW ENFORCEMENT VEHICLE** – A vehicle marked with distinctive colors and emblems, equipped with a siren and one or more blue/red light(s), which can be operated as an emergency vehicle and is assigned to or primarily operated by a law enforcement officer. This definition includes motorcycles and unmarked vehicles.

- F. **SILENT RESPONSE** – A response to certain calls, such as robberies or burglaries in progress, using emergency lights only with no audible siren.
- G. **OPERATOR** – For the purpose of the policy, the operator is the person in actual physical control of the emergency law enforcement vehicle.
- H. **VEHICULAR PURSUIT** – An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude police.

#### 1.01.05 PROCEDURES

##### A. GENERAL

1. Only authorized operators shall operate emergency law enforcement vehicles.
2. Every operator shall have a valid driver's license in his or her possession.
3. All operators shall operate agency vehicles safely and will be held accountable for their careless or negligent behavior and/or damage to agency property.
4. Operators shall not violate traffic laws except, when necessary, in the performance of their duties as authorized in agency policies and procedures, or as permitted by Florida Statutes.
5. Operators shall not proceed past a red or stop signal or a stop sign without slowing down or stopping first and ensuring all other traffic has yielded the right-of-way to the law enforcement vehicle.
6. Four-way flashers/hazard warning lights shall not be used while the vehicle is in motion due to interference with brake lights and turn signals.
7. Operators shall ensure video and audio recording equipment is activated, if so equipped, during emergency and/or pursuit operations.
8. Members have a duty to report any improper conduct on the part of another member operating a vehicle contrary to regulations.
9. Operators shall not consume any intoxicants at least eight hours prior to operating an agency vehicle. **NOTE: There are valid law enforcement related exceptions to this section, i.e., undercover or vice operations.**
10. Operators who are taking prescription or non-prescription medication that may affect their ability to drive should not operate agency vehicles.
11. Operators shall be familiar with his or her assigned vehicle, its capabilities, limitations, and daily operational status.

B. SPEED LIMITS

1. The provisions of this policy shall not relieve the operator from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the operator from the consequences of his/her reckless or negligent disregard for safety.
2. All agency members shall operate agency vehicles at a safe speed at all times.

C. SEAT BELT REQUIREMENTS

1. All agency personnel shall use safety belts when operating or riding in any vehicle while on duty. **Worker's compensation benefits may be reduced under the provisions of Section 440.09(5), Florida Statutes - Workers Comp Coverage, if injuries received in a crash are contributed to the failure to use the seatbelts or occupant restraint system.**
2. The operator of the vehicle is responsible for insuring compliance by all occupants of the vehicle they are operating. Approved child safety restraints shall be used for all children of age for which such restraints are prescribed by law.
3. Unless an immediate emergency exists, no person shall operate an agency vehicle in which any safety belt in the driver's seating position is inoperable. No person shall be transported in a seating position in which the safety restraint is inoperable.
4. No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair.
5. Personnel who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the restraint system.
6. Any person(s) under arrest and being transported in agency vehicle(s) are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer. This section does not apply to prisoners who are restrained with a hobble restraint type device.

**Caution:** Prisoners who are handcuffed in front have the ability to release the safety belt using the safety restraints latch plate. This practice should only be used as a last resort if it is impractical to handcuff in back.

7. An officer operating in an undercover capacity may be exempt only if the officer believes the use of the safety belt will compromise their identity.
8. When arriving at an emergency call or making a vehicle traffic stop, the operator may remove the safety restraint just prior to stopping for a quick

exit. Caution should be exercised to ensure that during the traffic stop the violator is in fact stopping. This prevents becoming involved in a pursuit without the use of a safety belt.

#### D. VEHICLE INSPECTION AND MAINTENANCE

1. The day-to-day condition of the vehicle is of paramount importance for safe operation, with the final responsibility for care resting on the officer who operates the vehicle.
2. Each agency member who will operate a law enforcement vehicle during his or her shift shall check the following:
  - a. Proper inflation and condition of tires;
  - b. Brakes, lights, windshield wipers and washers, horn, emergency equipment, and other electrical equipment;
  - c. Damage to exterior and interior of the vehicle;
  - d. Mechanical defects – Certain conditions such as a defective exhaust, steering mechanism irregularities, alignment, or other mechanical defects can only be discovered after the vehicle is operational; and
  - e. Any of the above conditions not readily corrected shall be immediately reported to the shift supervisor on duty. **An operator shall not knowingly operate an unsafe vehicle.**
3. Each operator shall ensure routine maintenance (oil, filter, and lube) of his/her assigned vehicle is performed as required by the manufacturer or agency policy.
4. Operators are prohibited from making any mechanical adjustments or alterations to any agency vehicle.

#### E. EMERGENCY RESPONSE TO CALLS

1. Officers engaged in an emergency response situation **are not** relieved from the duty to drive with due regard for the safety of all persons, nor shall the provisions of Section 316.072, Florida Statutes, protect the officer from the consequences of his or her reckless disregard for the safety of others.
2. Officers shall use both emergency lights and sirens continuously to warn vehicular and pedestrian traffic along the emergency route. (Exception – Officers responding in the silent response mode to robberies or burglaries in progress. **Extreme Caution** shall be used and speed shall be reasonable to avoid endangering the life and property of others.)
3. Four-way flashers will not be activated during emergency response.

4. Officers shall slow down or stop for all stop signs and red/stop signals and proceed only after all other vehicles have yielded the right-of-way.
5. Speed shall be reasonable and prudent during emergency response to calls.
6. In the event of any vehicle failure/damage that could affect the safe operation of the law enforcement vehicle, the officer operating the vehicle shall not initiate or continue in an emergency response mode.
7. Officers must follow specific Florida laws that relate to the operation of emergency vehicles. Officers must revert to their specific agency's policy relating to emergency mode operation.

#### F. PURSUITS

1. Officers engaged in a pursuit situation are not relieved from the duty to drive with due regard for the safety of all persons, nor shall the provisions of Section 316.072, Florida Statutes, protect the officer from the consequences of his or her reckless disregard for the safety of others.
2. When deciding whether to initiate or continue pursuits, officers shall consider the potential harm to persons and property with allowing the offender to go un-apprehended. The factors to be examined in making this decision should include, but not be limited to:
  - a. The seriousness of the violator's original offense, and the immediate threat to the safety of law enforcement or the public.
  - b. The likelihood of apprehension.
  - c. The day, time, and location of the pursuit.
  - d. Type of roadway; i.e., multi-lane limited access highway, rural / urban roadway, four-lane/two-lane roadway.
  - e. Weather and roadway condition.
  - f. Presence and volume of other vehicular or pedestrian traffic.
  - g. Familiarity with roadways and the area.
  - h. Capability of pursuit and pursued vehicles.
  - i. Pursuit speeds.
  - j. Evasive tactics employed by the violator.
  - k. Other available means of apprehension, such as obtaining a warrant for identified persons.
  - l. Use of aerial support, if available.

3. Officers engaged in pursuits shall use both emergency lights and sirens continuously to warn vehicular and pedestrian traffic along the pursuit route.
4. An officer must follow agency policy and use due care to safeguard the motoring public and pedestrians.

#### G. DISTRACTED DRIVING

1. Officers shall devote their attention to the safe operation of his/her patrol vehicle during routine or emergency operations and shall use sound judgment to prevent potential distractions by cell phones, laptop computers, etc., during the course of performing their lawful duties.
2. The vehicular use of a cellular telephone or other wireless communication devices is recommended only for valid law enforcement related use, and the device should be used with available hands-free listening device technology such as a Bluetooth earpiece, a wired ear-bud, or temporary vehicle mounted hands free technology. If available, utilization of the device's speakerphone capability is acceptable in meeting the intent of this section. Officers should attempt to maintain both hands on the steering wheel while the vehicle is in motion, unless operation of the police radio and/or other police equipment is required.
3. Officers should refrain from dialing calls while the vehicle is in motion. To place an outgoing call, officers should pull their vehicle off the road and stop in a safe location, or use voice speed dialing features to avoid driver distraction.
4. The use of wireless voice/data communication devices, either agency or personally owned, for data communication (i.e., sending or reading text messages or emails) while an agency-owned vehicle is in motion is prohibited. (Exception: Officers utilizing laptops)
5. Officers will take care when operating a laptop computer while driving. Simple inquiries and viewing the nature of an in-coming message may be performed while driving. Message response and complex or multiple inquiries should not be conducted while driving.

#### H. SUPERVISOR RESPONSIBILITIES DURING PURSUITS

1. Upon being notified of or becoming aware of a pursuit, the supervisor shall take command and determine if the pursuit should be continued or terminated.
2. The supervisor will direct the pursuit, approve or order alternative tactics, and maintain control until the pursuit is terminated.
3. The supervisor shall determine the number of units actively involved in the pursuit based on their agency policy.

4. The supervisor shall respond to the location where the pursuit is terminated to provide guidance and necessary supervision.
5. If the pursuit results in a traffic crash, whether or not a law enforcement vehicle is actually involved in the crash as a contact vehicle, the crash shall be investigated by a supervisor or traffic unit, depending on agency policy.

#### I. EARLY WARNING SYSTEM

1. The agency shall have a process in place to identify any law enforcement officer who is involved in three or more law enforcement vehicle crashes in which the officer has been determined to be at fault. Each agency has the discretion to implement any process that meets the intent of this policy.
2. Officers who have been identified by the Early Warning System shall be subject to progressive discipline and additional remedial driver training.

#### J. PROHIBITIONS

1. Officers shall not attempt to escort other emergency vehicles or private vehicles on an emergency run.
2. Officers shall not participate in a pursuit unless properly trained and in a law enforcement vehicle equipped with emergency lights and siren.
3. Officers shall not disobey traffic laws while in the performance of their normal duties unless it is an emergency as defined by this policy.
4. Unmarked law enforcement vehicles not equipped with a radio, adequate emergency lights, and a siren, should not become involved in pursuits or violate traffic laws as part of an emergency response.

#### K. ETHICAL DRIVING

1. Officers shall not exceed the posted speed limit while going to and from off-duty police employment jobs.
2. Officers shall obey all traffic laws and set an example for the motoring public.
3. Officers are held to a higher standard in regards to driving and the safe operation of law enforcement vehicles during emergency response and pursuit situations.
4. **Remember that the public is always watching and your unethical decisions behind the wheel while operating a law enforcement vehicle is a negative impact on your individual agency, and all law enforcement agencies. Drive the way you EXPECT the motoring public to drive.**

L. VEHICLE OPERATIONS TRAINING

1. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has been properly trained and/or certified with respect to that equipment or tactic.
2. The individual agency shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the agency's pursuit policy.
3. Training will be documented, and include Florida traffic laws, legal considerations, and actual driving situations on an appropriate vehicle driving range that has the proper resources available to conduct the training.