17.05.01 PURPOSE

The purpose of this policy is to establish the procedures that members of the Florida Highway Patrol are required to follow when engaged in an emergency response and/or pursuit situation. This policy aims at balancing the benefits of potential apprehension with the risks associated with emergency responses and pursuits. The purpose of this policy is based upon the recognition that members are highly trained law enforcement professionals who have advanced pursuit intervention training and emergency response driver training; that they have undergone advanced training beyond what is required by the Florida Criminal Justice Standards and Training Commission; and that members have consented and are willing, based upon their service as State Troopers, to put their safety in jeopardy to both protect the public at large and ensure violators of the law are apprehended and held accountable for their dangerous criminal behavior.

This policy sets out the proper method for members of the Florida Highway Patrol to make a reasonable determination consistent with the provisions of policy, state statutory law, constitutional law, and in accordance with their training, whether to initiate, engage in, continue, or terminate a pursuit. It is intended to provide guidance and direction to all members in evaluating circumstances, responsibilities, roles, and restrictions with regard to emergency responses and pursuits. To achieve this purpose, requirements for reporting and reviewing the circumstances of each pursuit are established herein.
Overview and Duties

Emergency responses and vehicular pursuits of fleeing suspects are critical to the effective enforcement of laws, preservation of law and order, and preservation of life. Violators who make a conscious decision to flee from law enforcement also make a conscious decision to put the community, the member(s), and the public in danger, hoping to avoid being held responsible for their willful violation of the law. It is the public policy of the State of Florida, and the duty of the Florida Highway Patrol, that dangerous and reckless criminals are taken into custody to answer for their criminal conduct.

It is understood that the member’s ability to direct, warn, or control other motorists is limited by the nature of existing circumstances, but members should avoid contributing to the danger that has already been created by the fleeing violator or other hazardous situations when in emergency response.

Above all, it is the duty of the Florida Highway Patrol and each member to protect all persons’ lives and property to the fullest extent practicable when enforcing the law.

Termination of Pursuits a Primary Goal

It is the policy of the Florida Highway Patrol to terminate a pursuit as soon as practical, whether termination is achieved by precision immobilization technique (PIT), intentional contact, aviation interception, or other technique, to include termination of the pursuit without apprehension of the fleeing criminal offender(s).

In addition, it is the responsibility of the Department and the Division of Florida Highway Patrol to assist members in the safe performance of their duties. All members will receive training on this policy approved by the Florida Highway Patrol Training Academy and will receive ongoing training throughout their tenure. To carry out these obligations, it is the policy of the Department and the Division of Florida Highway Patrol to regulate emergency response and vehicular pursuits.

This policy establishes specific guidelines for emergency response and pursuit driving that will enhance public safety and facilitate apprehension of criminal offenders.

Providing Assistance to Outside Law Enforcement Agencies a Primary Goal

It is the policy of the Florida Highway Patrol to assist other law enforcement agencies. Every effort will be made to assist other law enforcement agencies when a request for assistance is made, to include participation in pursuits initiated by other law
enforcement agencies, so long as there is otherwise compliance with provisions of the Florida Highway Patrol's policies.

**Preservation of Life is a Foundational Duty**

Sworn members of the Department are expected to make reasonable efforts to apprehend violators who flee or otherwise attempt to elude. However, the Department recognizes and respects the value and special integrity of every human life. In vesting members with the lawful authority to use force in the protection of the public welfare, a special balancing of human interests is required. Members, in the performance of their duty, must use only the force that is reasonably necessary to bring an incident under control. It is paramount that members exercise prudent and sound judgment in their actions and comply with existing laws when engaging in pursuits and emergency response. It must be understood that every violator will not be apprehended. In some situations, the most professional and reasonable decision may be to terminate a pursuit in the interest of the member’s and/or the public’s safety.

17.05.03 **DEFINITIONS**

A. **DEADLY FORCE** - Force which is likely to cause death or great bodily harm as provided in Section 776.06, Florida Statutes.

B. **EMERGENCY RESPONSE SITUATION** - Incidents in which an actual emergency exists or is believed to exist.

C. **FORCIBLE FELONY** - (Florida Statute 776.08) Treason, murder, manslaughter, sexual battery, carjacking, home/invasion robbery, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing/placing or discharging of a destructive device or bomb, and any other felony which involves the use or threat of physical force or violence against any individual. Violations of Section 316.1935, Florida Statutes, fleeing or attempting to elude a law enforcement officer or aggravated fleeing and attempting to elude are not forcible felonies.

D. **INTENTIONAL CONTACT** - An offensive tactic by one or more patrol vehicles to make deliberate contact with a vehicle.

E. **PRIMARY PURSUING MEMBER** - The member who initiates a pursuit or a member who assumes control of the pursuit as the principle vehicle immediately following the pursued vehicle.
F. **PURSUIT** - An active attempt by a member in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid capture.

G. **PRECISION IMMOBILIZATION TECHNIQUE (PIT)** - A specific, technical maneuver using a patrol vehicle to physically force a fleeing vehicle from a course of travel in order to stop it.

H. **ROADBLOCK** - A physical blocking of the road with law enforcement vehicles, barricades, or other obstructions to stop the pursued vehicle.

I. **ROLLING ROADBLOCK OR "BOXING IN"** - A technique designed to stop a pursued vehicle by surrounding it with law enforcement vehicles and slowing all vehicles to a stop.

J. **SECONDARY PURSUING MEMBER** - A member operating a patrol vehicle actively involved in the pursuit other than the primary pursuing member.

K. **SERIOUS BODILY INJURY** - An injury to a person which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

L. **TERMINATION OF A PURSUIT** - Any action taken by a member to end a pursuit. This includes but is not limited to the utilization of roadblocks, tire deflating devices, PIT maneuvers, intentional contact, aircraft, or the decision to discontinue the pursuit.

M. **TIRE DEFLATING DEVICE** - A device designed to deflate tires in order to bring a vehicle to a stop.

### 17.05.04 PROCEDURES

A. **EMERGENCY RESPONSE TO CALLS AND PURSUITS**

Members engaged in an emergency response or pursuit situation are not relieved from the duty to drive with due regard for the safety of all persons, nor will the provisions of Sections 316.072 and 768.28, Florida Statutes, protect the member from the consequences of any reckless disregard for the safety of others. Additionally, all members engaged in any emergency response or pursuit situation will comply with the following procedures.

1. Immediately engage emergency lights and siren, which will remain engaged throughout the emergency response or pursuit.
2. In accordance with Section 316.072, Florida Statutes, members may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation. A member approaching a stop signal or stop sign will visually determine traffic has generally yielded to the member in accordance with Section 316.126 Florida Statutes prior to proceeding through a red stop signal or stop sign. Any driver of a vehicle failing to yield may be issued a citation pursuant to s. 316.126 Florida Statutes.

3. Members may exceed the maximum speed limit so long as they exercise due regard for the safety of all persons using the roadway so as to not endanger life or property. Members should use caution when entering and exiting a tollbooth.

4. Members may drive on the wrong side of the roadway, in the wrong direction, or on the shoulder for the purpose of immobilizing an immediate threat to the public.

5. It is understood that the member’s ability to direct, warn, or control other motorists is limited by the nature of existing circumstances, but members should avoid contributing to the danger that has already been created by the fleeing violator or other hazardous situations when in emergency response.

6. In the event of any vehicle equipment failure/damage that could affect the safe operation of the patrol vehicle, the member operating the damaged vehicle will not initiate or continue emergency response or pursuit and will notify the Regional Communications Center.

7. Members will not deactivate their mobile video/audio recording equipment, when so equipped, while engaged in an emergency response and/or pursuit in accordance with FHP Policy 17.22.

B. OUT-OF-STATE EMERGENCY RESPONSES

Members may respond to an out-of-state emergency incident upon authorization of a supervisor. All procedures covered in Section 17.05.04(A) governing emergency response to calls will be strictly adhered to. When a criminal offender being pursued flees across the state line, the affected state will be notified as soon as possible. Upon entering the adjacent state, the primary pursuing member will yield the primary pursuit position when a law enforcement officer from that state wishes to assume the primary pursuit position.
state assumes that role, but the member will remain as the secondary pursuing member until a second law enforcement officer from that jurisdiction assumes that role. The member will then yield to that unit.

C. PURSUITS

1. In evaluating the need to initiate a pursuit, the member must determine if the suspect is actively fleeing and eluding a law enforcement officer or has previously committed a forcible felony. Further, in determining the appropriateness, speed, and extent of a pursuit, the member must exercise due regard to ensure that their actions are objectively reasonable. In doing so, members will consider the following:

   a. The nature of the offense committed by the suspect, the potential danger to the public if the suspect is not immediately apprehended, and the possibility of the suspect's arrest at a later date.

   b. The existing traffic conditions, road surface and width, weather, visibility, road familiarity, type of area (i.e. urban, residential, rural, school zone), type of area to be encountered if the pursuit were to continue, or any condition that would create additional dangers for traffic or the public.

   c. The limitations and conditions of both the member or the patrol vehicle.

2. Members will not engage in pursuits under the following conditions:

   a. Emergency equipment or the radio is not functioning properly.

   b. An inmate(s) or person(s) in custody occupy their vehicle.

3. The primary pursuing member will immediately notify a Regional Communications Center of the pursuit and give the following information, if possible:

   a. Location and direction of travel;

   b. Description of the pursued vehicle;
c. Number and description of occupant(s);

d. Any information concerning the use of firearms, threat of force, or other hazard;

e. Observed danger to public safety;

f. Ability to terminate the pursuit immediately through a P.I.T. maneuver or other termination method;

g. Assistance in facilitating the transition of the pursuit to an aviation asset; and

h. Any need for assistance.

4. Consideration for safety will govern the number of units that participate in a pursuit.

a. The secondary pursuing member should stay back a safe distance from the primary pursuing member and assume all radio responsibilities.

b. If the primary pursuing member is in an unmarked vehicle, the member will yield the primary position to a marked patrol vehicle as soon as practical.

c. Unless approved by a supervisor, no more than three patrol vehicles should be engaged in the pursuit at one time. Other members should attempt to position their vehicles to reduce risk to the general public by blocking intersections, entrance ramps, or actively alerting vehicles ahead of the pursuit to give way, and members will exercise due regard for the safety of all persons.

5. Division Motorcycle Use in Pursuits

a. Due to the heightened danger to the member, members operating division motorcycles are discouraged from engaging in a pursuit. However, members operating division motorcycles may engage in a pursuit but limit their involvement as soon as possible.
b. Members operating division motorcycles will yield as primary to a 4-wheel patrol vehicle as soon as possible. Members operating division motorcycles may stay engaged as the secondary pursuing member until relieved by another 4-wheel patrol vehicle, at which time the member operating a division motorcycle will disengage from the pursuit.

c. Prior to being relieved, members operating division motorcycles should follow at a distance and speed that allows them to safely operate, maneuver, and maintain visual contact with the fleeing vehicle whenever possible.

6. Terminating a Pursuit

a. Reasons to discontinue a pursuit may include but are not limited to:

1) The member's belief that the risk of continuing the pursuit outweighs the danger of permitting the suspect to escape;

2) The suspect is positively identified and there is not a need for immediate apprehension;

3) Emergency equipment or radio of the member's vehicle fails to work properly;

4) Traffic volume and/or road conditions dictate that it is too hazardous for the pursuit to continue;

5) A supervisor or member of a higher rank orders the termination of the pursuit;

6) The member has turned the pursuit over to an aviation asset; or

7) There is an active presence of pedestrians or other vulnerable populations in the immediate or foreseeable area.

8) The presence of other persons in the patrol vehicle.
A decision to discontinue a pursuit will be reported immediately to the Regional Communications Center.

b. Tire Deflating Devices

1) Due to the heightened danger to the member, members are encouraged to proceed with caution if utilizing tire deflating devices. The use of tire deflating devices will be governed by sound professional judgment and only after the member utilizing tire deflating devices has received training on the use of the devices. Only tire deflating devices which have been approved by the Division will be utilized in accordance with training.

2) The use of tire deflating devices will not be used to stop a pursuit with a motorcycle or vehicle with less than four wheels unless the use of deadly force is authorized.

c. Roadblocks

1) The use of roadblocks will be governed by sound professional judgment and only when the members have received training on the use of roadblocks.

2) Rolling roadblocks or "boxing in" may be used to stop a vehicle that refuses to stop.

3) When possible, members should coordinate this maneuver with other involved units prior to implementation.

4) Stationary roadblocks will be used only in extraordinary circumstances and only with the permission of a supervisor. The roadblock must be visible from a sufficient distance to allow the suspect and other approaching motorists the opportunity to safely stop.
5) When setting up a roadblock, members will take measures to protect and warn other motorists. Whenever possible, a minimum of three units should be used: two units to block the lanes of travel and one to warn and direct traffic approaching from the opposite direction. Private vehicles will not be used to establish a stationary roadblock.

d. PIT Maneuver

1) The PIT maneuver is the primary technique employed by the Division to terminate a pursuit and reduce the danger to the public created by the fleeing violator.

2) The PIT maneuver will be used by members in accordance with Division training.

3) Before the PIT maneuver is used, factors that affect the safety of use of the technique should be considered. These factors include but are not limited to:
   a) Condition of the roadway;
   b) Visibility;
   c) Traffic volume;
   d) Pedestrian traffic;
   e) Type of fleeing vehicle;
   f) The occupants.

4) The PIT maneuver is considered a use of control and the member's individual actions must be objectively reasonable. The member will consider all factors listed above, as well as the speed of the vehicle and the benefits to the motoring public by the immediate termination of the pursuit. Members should remember that the greater the speed, the greater the likelihood of injury or death.
5) The PIT maneuver will not be used to stop a pursuit with a motorcycle or vehicle with less than four tires unless deadly force is authorized.

e. The use of intentional contact is authorized, and its use should be weighed with the circumstances and the necessity to stop the danger caused by the fleeing suspect in order to prevent harm to the general public. Intentional contact should only be used when the PIT maneuver is unsuccessful or impractical. Members should remember that the greater the speed, the greater the likelihood of injury or death.

Intentional contact at a reduced speed is permitted to cause a fleeing suspect to stop and/or remain stopped at the end of the pursuit.

Intentional Contact will not be used to stop a pursuit with a motorcycle or vehicle with less than four tires unless deadly force is authorized.

7. Members will not discharge a firearm from or at a moving vehicle unless deadly force is authorized.

8. When joining a pursuit initiated by another agency, members should not take on the role of the primary pursuing member unless requested by the other agency. The guidelines set forth in this policy will apply.

9. Regional Communications Center personnel responsibilities:

a. When notified that a pursuit is in progress, RCC personnel will obtain and record all information possible, including vehicle model, make, color, tag number, description of driver, number of passengers, location, and direction of travel;

b. Notify other members and a supervisor that the pursuit is in progress;

c. Notify other agencies in the area, which may be needed to assist;

d. Control all radio communications and clear the radio of all non-emergency calls;
e. Coordinate and dispatch backup assistance and air support units under the direction of the supervisor;
f. If the pursuit enters a bordering state, notify law enforcement in that state;
g. Document all pertinent information about the pursuit; and
h. When assistance is requested by another agency, obtain and record all available information regarding the origin and progress of the pursuit and notify the members assisting.

10. Supervisory responsibilities during a pursuit are as follows:

a. Upon being notified or becoming aware of the pursuit, the supervisor will take command and determine the following:

   1) Whether the pursuit should be continued;
   2) Whether the required and necessary units are involved in the pursuit;
   3) Use of aerial assistance, if available; and
   4) Whether affected agencies have been notified of the pursuit, and whether assistance is needed.

b. The supervisor will continue to direct the pursuit and approve or order alternative tactics and maintain control until the pursuit is terminated. In the absence of adequate information from the primary pursuing member or other involved members, the supervisor may order termination of the pursuit.

c. It is not necessary that the supervisor be physically present in order to assert control and begin coordination of the pursuit.

d. The supervisor should notify the Troop Watch Supervisor (TWS) of a pursuit that lasts longer than five minutes or request notification by the RCC if the supervisor is unable to do so.
e. Any pursuit involving a Florida Highway Patrol vehicle that results in a traffic crash, whether or not the Florida Highway Patrol vehicle was actually involved in the crash as a contact vehicle, will be investigated by a supervisor. If the crash involves injury, death, or major property damage, the investigation will be supervised on-scene by a lieutenant or above.

11. Members will not engage in a pursuit until they have successfully completed pursuit training.

12. Reports

a. The use of any technique used to end a pursuit will be documented on the appropriate Uniform Crime Report (UCR) and forwarded to the appropriate chief via the chain of command. A copy will also be forwarded to the FHP Training Academy. NOTE: all vehicle damage, including third party vehicle damage, appropriate vehicle information to include year, make, VIN, description of injuries, etc. should be included in the report.

b. A Supervisory Use of Control Report will be completed any time the PIT or intentional contact is used.

c. Anytime a pursuit is initiated, the supervisor overseeing the pursuit will complete a Supervisor’s Pursuit Report (HSMV 61141) and the pursuit will be forwarded via the chain of command to the appropriate chief. The following items will be attached to the report:
   
   1) All reports prepared by participating members.

   2) If applicable, all crash reports that were prepared as a result of the pursuit.

   3) If available, photographs of the vehicles involved in the crash.

   d. After the reports are signed by the appropriate chief, originals will be forwarded to the Office of Professional Compliance (OPC) and a copy will be forwarded to the Training Academy.
e. Annually, the OPC will conduct an analysis of pursuits involving FHP members and report to the Director any patterns or trends that may indicate training needs or policy modifications.

f. Annually, the Policy, Accreditation, Inspections, and Forms Section will review pursuit policies and reporting procedures.