

FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT EMERGENCY RESPONSE AND PURSUITS	POLICY NUMBER 17.05
		ISSUE DATE 02/01/96
		REVISION DATE 12/17/15
		TOTAL PAGES 13

17.05.01 PURPOSE

The purpose of this policy is to establish guidelines that members of this Division are required to follow when engaged in an emergency response and pursuit situation. This policy aims at balancing the benefits of potential apprehension with the risks associated with the pursuit.

17.05.02 POLICY

Emergency responses and vehicular pursuit of fleeing suspects present a danger to the public, officers and suspects involved in the pursuit. It is the policy of this Division to protect all persons' lives and property to the extent possible when enforcing the law. In addition, it is the responsibility of the Division to assist members in the safe performance of their duties. To affect or to carry out these obligations, it shall be the policy of the Division to regulate the manner in which emergency response and vehicular pursuit are undertaken and performed.

This policy establishes specific guidelines for pursuit driving that will contribute to public safety and facilitate apprehension of criminal offenders. Members are authorized to pursue suspects whom they reasonably believe have committed:

- a felony offense;
- a violation of section 316.192 (reckless driving);
- a violation of section 316.193 (DUI).

Each decision must be based upon the conditions and circumstances existing at the time and by the training and guidelines set forth by the agency.

ALL OTHER PURSUITS ARE PROHIBITED.

NOTE: Pursuit of motorcycles is restricted to forcible felonies.

17.05.03 DEFINITIONS

- A. **BOXING IN** – A deliberate offensive tactic by two or more patrol vehicles to force a vehicle in a specific direction or to force the vehicle to stop or reduce speed accomplished by the maneuvering into place, of patrol vehicles in front of, behind, or beside the vehicle.

- B. **CARAVANNING** – In the course of a pursuit, the following and direct participation in a pursuit by unauthorized patrol vehicles.
- C. **CONTACT** – In the course of a pursuit, a deliberate offensive tactic by one or more patrol vehicles to make deliberate contact anywhere against the pursued vehicle in an attempt to force the pursued vehicle to stop or reduce speed.
- D. **EMERGENCY RESPONSE SITUATION** – Incidents in which an actual emergency exists or is believed to exist. For example: traffic crashes involving serious injury, police officer needing assistance, armed robbery in progress, or other such events.
- E. **EMERGENCY ROADBLOCK** – A restriction, obstruction, device or procedure used or intended for the purpose of preventing free passage or observation of motor vehicles on a roadway in order to effect the apprehension of a suspect. Driver License and Vehicle Safety Inspection Checkpoints, and Comprehensive Roadside Safety Checkpoints are not contained in this definition.
- F. **FAILURE TO STOP** – A situation in which a violator fails to stop but does not actively attempt to flee or elude from the stopping member.
- G. **FELONY** – Any criminal offense that is punishable under the laws of this State, by death or imprisonment in a state penitentiary (Section 775.08(1), Florida Statutes).
- H. **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.
- I. **FOREIGN JURISDICTION** – Any state other than the State of Florida.
- J. **IMMEDIATE THREAT** – The reasonable belief that a threat of death or serious physical harm to law enforcement or the public exists.
- K. **MODE** – A method or manner of operation.
- L. **PRECISION IMMOBILIZATION TECHNIQUE (PIT)** – The intentional contact between a patrol unit and a vehicle in an attempt to force the vehicle to stop.
- M. **PRIMARY PURSUING MEMBER** – The patrol member who initiates a pursuit or a member who assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).
- N. **PURSUIT** – An active attempt by one or more members to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics.

- O. **PURSUIT POLICY COMPLIANCE REVIEW** – A review by the Troop Commander of pursuit policy compliance by all affected members and communications personnel within his/her troop.
- P. **PURSUIT TERMINATION DEVICE (PTD)** – A device that, when driven over, is designed to puncture and deflate a vehicle's tires at a controlled rate.
- Q. **ROLLING ROADBLOCK** – A patrol vehicle or vehicles moving in the same direction in front of and deliberately slowing or attempting to slow the target vehicle by use of the patrol vehicle(s). Members should consider the size of the vehicle, speed and other attendant circumstances involved prior to utilizing a rolling roadblock.
- R. **SUPERVISOR** – Refers to any sworn supervisor of the Florida Highway Patrol.
- S. **UNMARKED POLICE VEHICLE** – Any police vehicle that is equipped with emergency equipment but not marked with distinctive emblems and/or colors.

17.05.04 PROCEDURES

A. **EMERGENCY RESPONSE TO CALLS**

Members 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 member from the consequences of his/her reckless disregard for the safety of others. Additionally, all members engaged in any emergency response situation shall comply with the following procedures.

1. Immediately engage emergency lights and/or siren, which shall remain engaged throughout the emergency response. Four-way flashers may interfere with brake lights and turn signals, and therefore, shall not be activated while the vehicle is in motion during the emergency response.
2. Stop for all stop signs and red traffic lights and proceed only after all other vehicles have yielded the right-of-way.
3. Speed shall not exceed 15 MPH over the posted speed limit unless:
 - a. an immediate threat exists, and
 - b. the member's quick response is necessary, and
 - c. circumstances allow for the safe operation of the patrol vehicle at higher speeds.

Speed, entering and exiting a tollbooth, shall never be greater than the posted speed limit or if not posted, 15 MPH.

4. 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 shall not initiate or continue emergency response mode and shall notify the Regional Communications Center.

5. Members shall not deactivate their mobile video/audio recording equipment while engaged in an emergency response and shall follow all operating procedures listed in FHP Policy 17.22.

B. OUT-OF-STATE EMERGENCY RESPONSES

Upon request by a foreign jurisdiction, members may respond to an emergency incident upon authorization of a supervisor. All procedures covered in Section 17.05.04(A) governing emergency response to calls shall be strictly adhered to.

C. FAILURE TO STOP

1. Members involved in a failure to stop situation shall notify the Regional Communications Center and provide the following information:
 - a. Location and direction of travel;
 - b. Description of vehicle and occupants;
 - c. Vehicle tag number; and
 - d. Initial reason for the traffic stop.
2. A back-up unit shall be dispatched to assist the primary member.
3. If at any time the violator's actions rise to the level described in the definition of pursuit, the member(s) shall follow the provision of this policy regarding pursuits.
4. An appropriate Uniform Crime Report (UCR) shall be completed describing the incident.

D. INITIATING A PURSUIT

The initiating of a pursuit must be based upon the violator's actions prior to an attempt to stop the vehicle, which the member reasonably believes constitutes a felony offense, a violation of 316.192 (reckless driving), or 316.193 (DUI).

ALL OTHER PURSUITS ARE PROHIBITED.

E. PURSUITS

Members engaged in a pursuit 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 member from the consequences of his/her reckless disregard for the safety of others. Additionally, all members engaged in any pursuit situation shall comply with the following procedures.

1. Immediately engage emergency lights and siren, which shall remain engaged throughout the pursuit. Four-way flashers may interfere with brake lights and turn signals, and therefore, shall not be activated while the vehicle is in motion during the pursuit.

2. Stop for all stop signs and red traffic lights and proceed only after all other vehicles have yielded the right-of-way.
3. Members may exceed the maximum speed limits so long as life or property is not endangered.
4. 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 shall not initiate or continue the pursuit and shall notify the Regional Communications Center.
5. Members shall not deactivate their mobile video/audio recording equipment while engaged in a pursuit and shall follow all operating procedures listed in FHP Policy 17.22.

When deciding whether to initiate or continue pursuits, members shall consider the potential harm to persons and property with allowing the offender to go unapprehended. The factors to be examined in making this decision should include, but are not limited to:

1. The seriousness of the violator's original offense, and the immediate threat to the safety of law enforcement or the public.
2. The likelihood of apprehension.
3. The time, day, and location of the pursuit.
4. Type of roadway; i.e., multilane limited access highway, rural highway, urban roadway, four-lane/two-lane roadway.
5. Weather and roadway condition.
6. Presence and volume of other vehicular or pedestrian traffic.
7. Familiarity with the roadways and the area.
8. Capability of pursuit and pursued vehicles.
9. Pursuit speeds.
10. Evasive tactics employed by the violator.
11. Other available means of apprehension, such as obtaining a warrant for identified violators.
12. Use of aerial support, if available.

F. DUTIES AND RESPONSIBILITIES OF THE PRIMARY PURSUING UNIT

1. Immediately upon initiating a pursuit, the member shall notify the Regional Communications Center that he or she is in pursuit. If the primary pursuing unit is a one-person unit (no FHPA, FTO, Supervisor, other member ride-along), the back-up unit will assume all radio communications, allowing the primary unit to devote full attention to

driving. As soon as practicable, the member shall relay the following information:

- a. Location;
 - b. Direction of travel;
 - c. Original violation;
 - d. Description of pursued vehicle including tag number, to the extent known;
 - e. Description of occupants of the pursued vehicle, if and to the extent known;
 - f. Speed;
 - g. Traffic conditions; and
 - h. Other evasive action taken by the violator.
2. If no back-up unit is available, the primary pursuing member shall provide updates to the Regional Communications Center on a regular basis.
 3. If the member or supervisor determines that the hazards created by the pursuit outweigh the necessity for immediate apprehension, the pursuit shall be terminated.
 4. 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 shall not initiate or continue a pursuit.
 5. At anytime a pursuit is discontinued, the Regional Communications Center is to be notified. All members shall return to their zones and assigned duties unless otherwise instructed by a supervisor.

G. BACK-UP UNIT

Only the primary and two back-up vehicles shall be authorized for direct participation in a pursuit. A supervisor has the discretion to authorize more than two back-up units in an active pursuit.

1. The back-up units, upon joining the pursuit, shall be immediately identified as such to the Regional Communications Center. If the primary pursuing unit is a one-person unit, the assisting unit(s) should assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to his/her driving.
2. Back-up units will maintain a safe distance behind the primary pursuing unit but remain close enough to render assistance if required. A back-up unit shall not attempt to pursue or assume control unless the primary unit drops out or a supervisor directs such action.

H. REGIONAL COMMUNICATIONS CENTER RESPONSIBILITIES

Duty officers shall perform the following functions during a pursuit:

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Immediately notify a sworn supervisor when a pursuit is initiated. In the absence of an on-duty sworn supervisor, the duty officer shall locate and notify a sworn supervisor of the pursuit as soon as possible.
3. Clear the radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information.
4. Advise other agencies of the pursuit and whether assistance is needed or is not needed.
5. Perform relevant record and motor vehicle checks.
6. Control all radio communications during the pursuit.
7. Coordinate assistance under the direction of the sworn supervisor.
8. Continue to monitor the pursuit until it has been terminated.

I. SUPERVISORY RESPONSIBILITIES

Supervisory responsibilities during a pursuit are outlined as follows:

1. Upon being notified or becoming aware of the pursuit, the supervisor shall take command and determine the following:
 - a. Whether the pursuit should be continued;
 - b. Whether only the required or necessary units are involved in the pursuit;
 - c. Use of aerial assistance, if available;
 - d. Whether proper radio talk-group is being utilized; and
 - e. Whether affected allied agencies have been notified of the pursuit and whether or not assistance is needed.
2. 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 unit or back-up unit, the supervisor may order termination of the pursuit.
3. It is not necessary that the supervisor be physically present in order to assert control and begin coordination of the pursuit.
4. When a pursuit is initiated and lasts longer than five minutes, the on-duty supervisor shall contact the District Commander. If unable to notify the District Commander, the Troop Commander will be notified. This does

not relieve on-duty supervisors of the responsibility to monitor or terminate the pursuit prior to notifying the District Commander.

5. The supervisor in the district where the pursuit ends shall proceed to the termination point to provide guidance and necessary supervision.
6. In cases where a supervisor is not on duty, the member shall determine whether the pursuit is justified or should be discontinued, and shall use the established guidelines in making that decision. (See 17.05.04(D))
7. 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, shall be investigated by a supervisor. In the event the crash involves another police agency's pursuit, a trooper, corporal, or supervisor will investigate the crash. If the crash involves injury or death, or major property damage, the investigation will be supervised on-scene by the designated District Lieutenant.
8. When another agency requests Florida Highway Patrol assistance in a pursuit situation, a supervisor may authorize such assistance only when the pursuit meets the criteria established by Florida Highway Patrol policy concerning pursuits.
9. All provisions of this chapter are applicable in pursuits that are conducted at the request of another agency.

J. PURSUIT OPERATIONS, TACTICS, AND PROHIBITIONS

Members shall comply with the following provisions:

1. **DELIBERATE CONTACT** – While in pursuit operations, with the exception of the PIT maneuver, deliberate contact between vehicles is prohibited.
2. **CARAVANNING** – Caravanning by patrol vehicles is prohibited.
3. **PASSING** – Members shall not attempt to pass other patrol vehicles involved in the pursuit unless the passing officer receives specific permission from the primary pursuing unit or the supervisor.
4. **SPACING** – All units in pursuit shall maintain adequate space between vehicles to ensure proper reaction and braking time.
5. **NUMBER OF POLICE VEHICLES** – No more than three FHP patrol vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the supervisor. Other members should be alert to the pursuit progress and location.
6. **UNMARKED POLICE VEHICLES** – Members operating unmarked police vehicles may engage in a pursuit. However, when a marked pursuit-rated vehicle becomes available to take over the pursuit, the unmarked vehicle will assume the role of back-up unit.

7. MOTORCYCLES – Motorcycle officers will not participate in pursuits due to the extreme hazards to the officers.
8. NON-PURSUIT RATED PICK-UP TRUCKS AND SUVs – Members operating non-pursuit rated pick-up trucks and SUVs shall not participate in pursuits, unless he/she reasonably believes the suspect poses an immediate threat. However, when a marked pursuit rated vehicle becomes available to take over the pursuit, the member operating the non-pursuit rated pick-up truck or SUV shall assume the role of back-up unit. Upon the arrival of a second marked pursuit rated unit, the member operating the non-pursuit rated pick-up truck or SUV shall terminate their participation in the pursuit.
9. LIMITED ACCESS, MULTI-LANE, AND ONE-WAY ROADWAYS – Members shall not drive on the wrong side of the roadway or in the wrong direction to overtake or pursue a violator.
10. TRAFFIC CONTROL DEVICES – Members shall come to a complete stop before proceeding through a stop sign or a red traffic control signal. Members shall make use of all available warning devices to alert other motorists and pedestrians.
11. EMERGENCY ROADBLOCKS – The use of a partial or complete roadblock must be authorized by a supervisor and can be used only as a last resort when deadly force is justified. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. (Refer to FHP policy 17.23 and the Emergency Roadblock Procedures Guide – HSMV 60405).
12. ROLLING ROADBLOCKS – The use of a rolling roadblock is authorized. However, whenever practicable, members should obtain supervisory approval prior to initiating a rolling roadblock.
13. AERIAL ASSISTANCE – Aerial assistance will be used, if available.
14. Shooting from or at a moving vehicle during pursuits:

Members shall not shoot from or at a moving vehicle, except as a last resort to prevent imminent death or serious physical injury to the officer or another person. Firearms may be used only under circumstances that provide a high probability of striking the intended objective and without causing harm to innocent persons.
15. Pursuit Termination Devices (PTDs)

Members shall not deploy PTDs unless they have successfully completed Florida Highway Patrol training on the proper deployment procedures.

 - a. PTDs may be utilized to terminate a pursuit or in non-pursuit situations, when a driver refuses to stop.

- b. **UNDER NO CIRCUMSTANCES WILL PTDs BE USED AGAINST MOTORCYCLES OR THREE-WHEELED VEHICLES, UNLESS THE USE OF DEADLY FORCE IS JUSTIFIED.**
- c. Unless substantial risk to the public is imminent and apparent by not terminating a pursuit, PTDs will not be used against:
 - (1) School buses transporting passengers.
 - (2) Buses transporting passengers.
 - (3) Trucks transporting explosives or other hazardous materials.
 - (4) Vans transporting passengers.
 - (5) Any other vehicle, which could reasonably be expected to be above normal risk of causing serious damage or injury.
- d. Reasonable effort will be made to avoid using PTDs on road surfaces that have in the immediate vicinity:
 - (1) Standing water.
 - (2) An exceptionally rough surface.
 - (3) Other unique characteristics or circumstances that would indicate a foreseeable increase in the risk of a serious crash.
- e. PTDs should be deployed in areas with unobstructed views of the roadways from both directions to aid in deployment and lessen the possibility of a crash. The safety of members while deploying PTDs must also be considered in selecting a deployment location.
- f. Once the PTD is in place, everyone at the scene should seek a secure location away from the path of the fleeing vehicle. Protection should be sought from barriers constructed in a manner capable to offer adequate protection to the on-scene members. **DEPLOYING MEMBERS SHOULD USE THEIR PATROL UNIT FOR PROTECTION ONLY AS A LAST RESORT.** If adequate protection is not available, the PTD shall not be deployed.
- g. When the fleeing vehicle has passed the device's location, the device shall be removed from the roadway. The roadway should be free of moving traffic prior to any attempt to remove the device and/or device debris from the roadway.
- h. PTDs may be deployed, in accordance with the guidelines contained in this section, when another law enforcement agency requests FHP assistance in terminating a pursuit, regardless of the circumstances that led to the initiation of the pursuit.

However, this does not alter FHP criteria and guidelines regarding members becoming actively involved in pursuits.

16. Precision Immobilization Technique (PIT) – The use of the Precision Immobilization Technique (PIT) shall be governed by sound professional judgment, procedures outlined in this policy, and in accordance with procedures established during training for this technique.

Members shall not initiate a PIT maneuver unless they have successfully completed Florida Highway Patrol training on the technique.

- a. In selecting a location to execute the PIT, members should consider its proximity to:
 - (1) Blind curves.
 - (2) Highway grades and superelevations.
 - (3) Abutments – bridges, guardrails, barriers.
 - (4) Other traffic.
 - (5) Roadside obstacles – rocks, trees, deep ditches, sign or utility posts, traffic islands or curbs.
 - (6) Freeway ramps.
- b. Unless the use of deadly force is justified, members should avoid attempting the PIT on:
 - (1) Vehicles where “contact points” cannot be matched, such as, large, heavy vehicles.
 - (2) Vehicles with a high center of gravity, including pickups and campers.
 - (3) Vehicles known to be transporting hazardous materials.
 - (4) Vehicles with flattened tires.
- c. PIT will be performed at speeds consistent with training.
- d. Whenever practicable, members should obtain supervisory approval prior to initiating a PIT maneuver. Once approval is obtained, the final decision to use the PIT rests with the pursuing member.

K. MULTI-AGENCY PURSUITS

The guidelines listed below will be followed in pursuits involving other agencies.

1. When a member is in a pursuit mode, the Regional Communications Center will notify all other affected agencies and specify that:
 - a. Assistance is requested; or

- b. No participation is requested and that they are being notified for their information only.
2. Requests by other agencies for Florida Highway Patrol assistance will be evaluated and decided by a supervisor.
3. In the absence of a readily available supervisor, a member shall determine the need for Florida Highway Patrol assistance, adhering to criteria established in this policy. In any event, a supervisor will be contacted as soon as possible to approve or revoke the decision.
4. A member who becomes aware of a pursuit by another agency shall notify the Regional Communications Center and shall not become involved in the pursuit unless that agency has requested Florida Highway Patrol assistance and the pursuit has been authorized by a supervisor.
5. Informal notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit.

L. OUT-OF-STATE PURSUIT

Members may pursue any person into a foreign jurisdiction when the member reasonably believes the person has committed or attempted to commit a felony other than a felony of fleeing or attempting to elude a law enforcement officer.

All provisions of this chapter are applicable in out-of-state pursuits, including those provisions concerning the termination of a pursuit as outlined in Section 17.05.04(F).

M. REPORTS

1. An Offense Report and administrative review of all emergency roadblocks shall be completed and forwarded through the chain of command to the Deputy Director. A copy shall also be forwarded to the FHP Training Academy.
2. Any and all use of the Pursuit Termination Device (PTD) will be documented on an Offense Report and forwarded to the Deputy Director via the chain of command. A copy shall also be forwarded to the FHP Training Academy.
3. Use of the PIT maneuver shall be documented on the appropriate UCR. NOTE: all vehicle damage, including third party vehicle damage, appropriate vehicle information to include year, make, VIN, description of injuries, etc. should all be included in the report.
4. A Supervisory Use of Control Report shall be completed any time the PIT is executed.
5. Regardless of whether a pursuit is initiated, anytime a violator flees from a member in violation of Section 316.1935, Florida Statutes, an appropriate UCR shall be completed by all members involved, detailing their involvement.

6. Anytime a pursuit is initiated or a failure to stop incident occurs, the supervisor overseeing the pursuit / failure to stop will complete a Supervisor's Pursuit / Failure to Stop Report (HSMV 61141). The following items will be attached to the report:
 - a. All reports prepared by participating members.
 - b. If applicable, all crash reports that were prepared as a result of the pursuit / failure to stop. A supervisor will investigate any crash that occurs as a result of a pursuit / failure to stop involving a member.
 - c. If applicable, photographs of the vehicles involved in the crash.
7. Troop Commanders are to conduct a pursuit policy compliance review of all fleeing violators and pursuits and forward the findings to the appropriate Chief.
8. After the reports are signed by the appropriate Chief, originals shall be forwarded to the Office of Strategic Services and a copy shall be forwarded to the Training Academy.
9. Annually, the Office of Strategic Services 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.
10. Annually, the Policy and Accreditation Section will review pursuit policies and reporting procedures.