

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1120.7, VEHICLE PURSUITS

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CHIEF OF POLICE:	VAL B. DEMINGS

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POLICY: The Orlando Police Department will make every reasonable effort to apprehend fleeing violators. Sworn officers will always consider the safety of the public when responding to calls, pursuing violators, or conducting felony stops. Officers will always consider the dangers of a vehicle pursuit in relation to the lives or property of innocent users of the roadways, law enforcement employees, or the violator. Officers deciding to give chase must balance the need to stop a suspect against the potential threat to everyone created by the pursuit. It must be so important to apprehend the suspect that officers are justified at placing an innocent third party at risk of losing their life and/or property. (17.07)

Cases where an officer “follows” a subject vehicle, but does not or has not engaged in apprehension efforts, do not constitute “pursuits.” The police vehicle must adhere to traffic laws and traffic control devices. Following a subject vehicle for more than 15 minutes requires supervisory notification. However, once a subject vehicle speeds away or takes any evasive action in an effort to distance itself from police, regardless if emergency take-down equipment has been activated, the officer shall immediately discontinue following the vehicle unless it meets the criteria for a pursuit as described in this policy.

If apprehension efforts are used, any driver of a suspect vehicle who fails to yield to apprehension efforts is nevertheless subject to prosecution for appropriate charges of fleeing to elude, resisting, or obstruction. Fleeing and eluding a marked patrol vehicle that has both emergency lights and siren activated is a felony.

PROCEDURES:

1. DEFINITIONS

10-18 Response: The operation of a police vehicle while constantly utilizing blue lights and siren. Emergency 4-way flashers and flashing headlights shall also be used to make the vehicle more visible if the vehicle is so equipped. (17.07)

Authorized Emergency Vehicle: A police vehicle operating with its emergency equipment activated and warning all other traffic by use of an audible signal (siren or horn) and blue lights. Only marked patrol vehicles will engage in a vehicle pursuit. (17.07)

Emergency Equipment: Emergency equipment on police vehicles includes emergency blue lights, sirens, hazardous warning lights, spotlights, and public address systems. When an officer has a need to utilize emergency equipment, employees shall exercise good judgment and keep transmissions on the public address system at a professional level. (17.07)

Evasive Action: When any driver of a motor vehicle has been given a visual or audible signal or any other method of direction to stop by an officer, fails to obey such direction by failing to stop, and/or increases speed, and/or extinguishes lights, and/or violates any official traffic control device or traffic law.

Exigent Circumstances: Unforeseen threats to public safety that are not included in the “Violent Forcible Felony” exceptions where the continuing conduct of the violator presents an immediate and life-threatening danger to the public, law enforcement, or violator.

Follows: To drive in close proximity to a subject vehicle without using any apprehension efforts, such as a visual or audible signal, or any other method of direction to stop, by an officer.

Reasonable Suspicion: For the purposes of this policy, an officer must be able to articulate specific facts which, when taken in the totality of the circumstances, reasonably indicate that the suspect **did commit** or **has attempted to commit** a violent forcible felony as outlined in this policy.

Termination of Pursuit: A pursuit shall be considered to have terminated when the primary and assigned backup officers have completed both #1 and #2 listed below:

1. The primary and assigned backup officers turn off all emergency equipment.
2. The primary and any backup officers turn their police vehicles in another direction of travel away from where the suspect’s vehicle was last seen heading, or pull to the side of the road if on a limited access roadway, and inform Communications of this fact along with their location.

The pursuit is also considered to be terminated if the fleeing vehicle stops.

Traffic Stop: An attempt by use of an authorized emergency vehicle, with the use of emergency equipment, to conduct a traffic stop or otherwise apprehend occupants of a motor vehicle. An officer may take steps reasonably necessary to apprehend the offender but must do so with due regard for the safety of all persons and property.

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, traffic stops, tactical vehicle takedowns, utilization of tire deflation devices, stationary roadblocks, or other approved tactics to apprehend a suspect in a moving vehicle.

Vehicle Pursuit: A multi-stage process by which a police officer attempts to initiate a traffic stop and a driver resists the directive to stop or takes evasive action and refuses to stop the vehicle. Once the driver refuses to obey the police officer’s directive to stop, and the officer continues to attempt to apprehend or to follow the vehicle, the terms of this pursuit policy will apply.

Violent Forcible Felony: For the purpose of this directive, shall be when a **suspect has committed or attempted to commit:**

1. Murder.
2. Manslaughter.
3. Armed robbery or a strong-arm robbery that results in serious or great bodily harm.
4. Sexual battery.
5. Arson to a structure reasonably believed to be occupied.
6. Use of explosive devices to a structure reasonably believed to be occupied.
7. Use of Weapon of Mass Destruction
8. Kidnapping
9. Armed carjacking.
10. Burglary armed with a firearm.
11. Aggravated assault on a law enforcement officer with a deadly weapon (firearm, edged weapon).
Does **not** include a **motor vehicle**.
12. Aggravated battery on a law enforcement officer resulting in serious injury.

NOTE: The fact that an officer had to move from the path of a fleeing vehicle does not constitute an aggravated assault, attempted murder, attempted aggravated battery, or attempted manslaughter for the purposes of this policy.

Watch Commander: On-duty patrol lieutenants, on-duty Community Policing Section Commanders, and the Patrol TAC Unit Section Commander for pursuits related to their area of responsibility.

2. VEHICLE PURSUITS

2.1 PURSUITS INITIATED BY OPD WITHIN CITY LIMITS

2.1.1 DECISION TO PURSUE

Considering the restrictions contained within this policy, officers may engage in a pursuit when they have a reasonable suspicion that a fleeing suspect has committed or has attempted to commit a violent forcible felony as described in Section 1, Definitions. **Pursuits for misdemeanor offenses, traffic, or civil infractions are prohibited.**

On rare occasions, any commander (including the Downtown Patrol and Patrol TAC Commander) may authorize a pursuit for exigent circumstances. In each of these incidences, the Training/Accreditation and Inspections Section Commander will conduct a thorough review of the circumstances surrounding the pursuit and forward the results via the chain of command to the Chief of Police. For the purposes of this policy, the review will consist of, but is not limited to, the reviewing of all reports, listening to all radio communications, and viewing any video of the incident if available.

All other pursuits are **prohibited**. (17.06a)

The decision to initiate a pursuit must be based on the officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Many factors have bearing on this decision, including, but not limited to (17.06a):

- a. Alternative means of apprehension.
- b. Nature of the suspected violent forcible felony.
- c. The potential for endangerment of the public caused by the eluding acts of a fleeing violator.
- d. The amount of vehicle and/or pedestrian traffic.
- e. Possibility of identifying the operator and/or vehicle at a later date.
- f. Daylight or darkness.
- g. Weather conditions.
- h. Road conditions.
- i. Type of police vehicle.
- j. Vehicle speeds.

Once the decision has been made to engage in pursuit, these factors shall continue to be given careful consideration in determining the maximum safe speed at which officers' vehicles may travel throughout the pursuit and whether to continue with the pursuit. Also, there should be a plan to end the pursuit as soon as practical.

Officers, supervisors, and commanders at all levels have a responsibility to closely monitor the progress of each pursuit. **The need for apprehension must be constantly weighed against the potential danger created by the pursuit.**

2.1.2 WHILE IN PURSUIT

Upon engaging in a pursuit, officers will maintain safe and maneuverable control of their vehicles and the initiating officer shall immediately radio Communications to indicate a pursuit is in progress, giving location, direction of travel, and speed. Further, the color, year, make, body style, license (CYMBAL) of the pursued vehicle, and the crime or suspected crime for which the pursued is wanted shall be transmitted. (17.06b) Once a secondary unit is engaged in the pursuit, it will be the secondary unit's responsibility to update the location, direction of travel and speed.

Existing conditions and the availability of other field units will determine the course of action to be taken to accomplish the apprehension. Only the field supervisor or a watch commander will direct other units to converge. No other units, whether uniformed, investigative, or administrative will enter into emergency operation unless specifically directed to do so by the field supervisor or watch commander except for the purposes of blocking traffic at intersections or deploying stop sticks. (17.06c)

The following tactics and conditions will be adhered to while engaged in a pursuit: (17.06b,c)

- a. No more than three units will be directed to engage in the pursuit, excluding a supervisor. These are the primary unit and the assigned backup. The third unit will be a K-9 unit or third marked vehicle for apprehension purposes or for the application of a felony stop.

If appropriate, a supervisory unit may also engage in the pursuit if in a marked vehicle. (17.06d)

- b. **The watch commander shall always be in ultimate and complete command of vehicle pursuits occurring during his or her duty shift.** Additional assistance, if authorized, will be determined by: (17.06f)

1. Nature of the offense.
2. Number of suspects.
3. Number of officers present.
4. Other clear and articulated facts that would warrant the increased hazard.

- c. Pursuing officers and any assigned parallel units shall respond with emergency equipment activated.

- d. Motorcycle units will not engage in pursuits. (17.06d)

- e. "Caravanning" (a group of police vehicles traveling together usually in a file) of unassigned units is prohibited.

- f. Units shall not follow a suspect vehicle the wrong way on a limited access roadway or the wrong way on a one-way street.

- g. Units shall not pass one another unless the lead vehicle grants permission.

- h. Units shall terminate any pursuit when communications with headquarters or the field supervisor is lost. (17.07h)

- i. A pursuit may be terminated if the suspect has or can be identified for later prosecution. (17.06h)

- j. A pursuit shall be terminated if the officer loses sight of the suspect vehicle for a 15-second period or longer. The field supervisor will be immediately notified of this event. (17.06f,h)

- k. Rolling roadblocks, high speed boxing in, heading off, and closing parallel approaches are not permitted. (17.07e,f,g)

NOTE: Watch commanders or supervisors may take advantage of situations where the fleeing vehicle is slowed to a near stop by traffic conditions or other obstacles and direct assisting police vehicles to box in the fleeing vehicle.

- l. If approved by a watch commander, a stationary roadblock must provide the suspect vehicle with an opportunity to stop (e.g., no roadblocks on curves). Lights and flares will be utilized if time permits. No private vehicles will be used in a roadblock situation. (17.06g)
- m. Units may not ram a fleeing vehicle unless deadly force is authorized. Approval from a watch commander must also be obtained, unless the use of such force is **immediately** necessary to protect human life from death or great bodily harm. (17.06f,g)
- n. Units shall not engage in pursuits initiated by other jurisdictions unless approved by a watch commander and the pursuit would be proper under our policy. If the pursuit would not be justified under our policy, officers shall be limited to blocking traffic at intersections within the City limits with the watch commander's approval. The watch commander is also responsible for informing the initiating agency that the pursuit is not authorized under OPD policy. (17.06f)
- o. Air support units shall be utilized whenever possible. The presence of an air unit may negate the need for the continuance of a pursuit and allow officers to proceed at a reduced rate of speed to assist in the apprehension. If so, the officers will deactivate their emergency equipment, follow directions from the air unit, and obey all traffic laws.
- p. Unmarked vehicles equipped with emergency equipment (lights and siren) may initiate or engage in vehicle pursuits when marked units are not readily available but only until a marked unit becomes available. Once a marked vehicle arrives, the unmarked vehicle **must** immediately disengage from the pursuit. (17.06d)
- q. Stop sticks may be used in authorized vehicle pursuits.

If the pursuit continues beyond the City limits, the officer shall follow guidelines established in Section 2.3.

2.1.3 PURSUIT-GENERATED ROADBLOCKS/STATIONARY ROADBLOCKS

Only marked police vehicles with emergency equipment activated shall be utilized. Deployment shall be on the most flat and level roadway possible. Lights and flares will be utilized if time permits. The area shall be void of all civilian traffic and pedestrians. (17.06d)

2.1.4 DECISION TO DISCONTINUE

The decision to pursue or to discontinue the pursuit will rest with the pursuing officers up to the point that the field supervisor or the watch commander becomes aware of the situation. At that time, the field supervisor, the watch commander, and the pursuing officers each have an obligation to discontinue the pursuit when circumstances indicate that it is no longer justified or it is unreasonable to continue. Any officer ordered to cease a pursuit by a superior officer shall do so immediately. The field supervisor or the watch commander shall get verbal confirmation that the officer has ceased the pursuit and will ensure the following:

1. The primary and backup officers shall turn off all emergency equipment.
2. The primary and backup officers shall turn their vehicles in another direction of travel away from where the suspect's vehicle was last seen heading or pull to the side of the road if on a limited access roadway.

3. The primary officer shall inform Communications that the pursuit has terminated and give his or her location and last known direction of suspect's vehicle. (17.06b,f,h)

2.1.5 FIELD SUPERVISOR'S RESPONSIBILITIES

The field supervisor shall respond to the scene to assess the situation and provide information for the watch commander. (17.04)

2.1.6 VEHICLE PURSUIT FORM

Every vehicle pursuit shall be documented by an Incident Offense Report and a Vehicle Pursuit Form (Attachment A).

The watch commander will respond to the scene to gather the necessary information required for the Vehicle Pursuit Form. (17.06f) Watch commanders will ensure these reports are completed by the end of their tour of duty. The Vehicle Pursuit Form will be completed whether the pursuit was approved or not.

NOTE: The Vehicle Pursuit Form is not a substitute for an internal investigation. When the watch commander determines that an Initial Notice of Inquiry (INOI) is necessary, it is his or her responsibility to initiate the INOI.

The watch commander will forward the Vehicle Pursuit Form and copies of the appropriate reports (i.e. arrest affidavit, Incident Offense Report, Risk Management forms for vehicle damage, Defensive Tactics Form for use of tire deflation device) to the Training Unit for review. The Training Unit will forward it, via the watch commander's chain of command, to Internal Affairs for an administrative review. (17.06j)

2.1.7 ATTEMPTED VEHICLE APPREHENSION

When an officer attempts to initiate a traffic stop and the driver of the vehicle refuses to stop, and the officer does not initiate a pursuit, the officer will provide Communications with the pertinent information to broadcast a local lookout and clear the call with the radio disposition "R." The Training Unit will track all attempted vehicle apprehensions through the AS400.

2.1.8 COMMUNICATIONS RESPONSIBILITIES

Upon the notification that a pursuit is in progress, the Communications Division shall: (17.06e)

- a. Initiate emergency radio traffic and advise all other units that a pursuit is in progress, providing all relevant information.
- b. Immediately notify the watch commander and the field supervisor when a pursuit is initiated.
- c. Receive and record all incoming information on the pursuit and the pursued vehicle.
- d. Perform relevant record and motor vehicle checks.
- e. Control all radio communications during the pursuit.
- f. Coordinate assistance under the direction of the watch commander or the field supervisor.
- g. Ascertain the availability of aerial and K-9 units and report their status to the field supervisor or the watch commander.
- h. Notify any affected area agencies of the pursuit.
- i. Continue to monitor the pursuit until it has been terminated.

2.2 THE USE OF TIRE DEFLATION DEVICES WHILE ASSISTING OTHER AGENCIES

Generally, tire deflation devices may be used to assist another agency, either inside or outside our jurisdiction. ALL of the following conditions must be met.

- a. The pursuit meets OPD's criteria for engaging in a pursuit.
- b. Another agency requests assistance.
- c. A watch commander authorizes the use of the tire deflation device.

2.3 PURSUITS BEYOND CITY LIMITS

When an OPD officer under the guidelines established in this policy has initiated a pursuit within OPD's jurisdiction, the pursuit may be extended beyond the City limits. All of the guidelines concerning pursuit within OPD's jurisdiction shall apply outside the City limits. (17.06i)

2.3.1 COMMUNICATIONS' RESPONSIBILITIES

The Communications Division will contact the jurisdiction the pursuit is entering and: (17.06e)

- a. Advise the jurisdiction the details of the pursuit, to include:
 1. Location.
 2. Reasonable suspicion that the occupants have committed a forcible felony crime (as outlined in this policy).
 3. Other charges.
 4. Number of units involved.
 5. Level of command authorization.
 6. Type of assistance needed.
- b. Request assistance and advise specific responsibilities per OPD pursuit units.
- c. With any jurisdiction on the 800 MHz system, attempt to patch Communications between OPD units and the jurisdiction through which the pursuit is proceeding.

2.3.2 TRAVELING OUTSIDE RADIO RANGE

A watch commander must approve a pursuit that extends beyond radio range. Communications will direct the units in pursuit to a talk group with maximum radio range. Radio range will vary depending on location, but is generally limited to Orange County. If approved, the following shall be accomplished:

- a. The jurisdiction through which the pursuit is proceeding (i.e., county sheriff) will be asked to take over the pursuit if requested by an OPD watch commander.
- b. No more than two OPD units may remain engaged at this time, with one preferably being a supervisor.
- c. If at the lead, OPD units will adjust to take up a support role (for continuity and probable cause).
- d. Command will be turned over to the jurisdiction.
- e. Updates shall be maintained by the Communications Division via pagers, cell phones, etc.
- f. OPD units may continue in a support role for continuity and probable cause as long as conditions allow and with the approval of the governing jurisdiction.
- g. Request Florida Department of Law Enforcement (FDLE) to turn on the Mutual Aid TAC Repeater.

2.4 PURSUITS WITHIN OPD'S JURISDICTION BY OUTSIDE JURISDICTIONS

OPD units will only engage in pursuits when both of the following conditions exist: (17.06i)

- a. The pursuit meets OPD's criteria for engaging in a pursuit.
- b. There is a specific request for OPD assistance from the pursuing jurisdiction.

All OPD policies concerning pursuits and roadblocks will apply, regardless of the type of request from the pursuing jurisdiction.

OPD units will not follow or provide rolling, paralleling tactics around an interjurisdictional pursuit unless the pursuit meets OPD's criteria for pursuit and it is requested by the pursuing agency.

OPD units may be dispatched to or remain in areas through which an interjurisdictional pursuit is proceeding to provide support in the event that the pursuit were to end within OPD's jurisdiction.

1120.7 P&P

ATTACHMENT A

ORLANDO POLICE DEPARTMENT VEHICLE PURSUIT FORM

NOTE: THIS FORM SHALL BE COMPLETED BY THE WATCH COMMANDER AND FORWARDED TO THE TRAINING UNIT AND THEN TO INTERNAL AFFAIRS, VIA THE CHAIN OF COMMAND. ATTACH A COPY OF ALL RELEVANT REPORTS TO THIS DOCUMENT.

TO: CHIEF OF POLICE Incident #: _____
ORLANDO POLICE DEPARTMENT Sector: _____

FROM: _____ Employee #: _____

1. Date of pursuit: _____ Time Initiated: _____ Time Terminated _____
2. Suspected crime _____
3. Point of origin: _____
Point of termination: _____
4. Vehicle speeds: _____ Weather _____ Traffic Conditions: _____
5. Were tire deflation devices deployed? Yes No
If yes, complete a Defensive Tactics Form as required in the current issue of P&P 1128, Use of Force
6. Was air support used? Yes No
7. Offense charged: _____
 - A. Offender's name: _____ Race: _____ Sex: _____ DOB: _____
 - B. Address: _____ City: _____ State: _____
 - C. Make and Model of suspect vehicle: _____
 - D. Physical condition prior to incident (i.e., intoxication, prior injuries): _____
 - E. Subsequent apparent injuries: _____
 - F. Photographs of injuries: 35 mm () Digital ()
None taken () Why? _____
 - G. Medical treatment of offender: Yes No Refused
If Yes, where? _____ By whom? _____
Date: _____ Time: _____
8. Number of Traffic Crashes: _____

Crash Victim's Name	Address	Phone #	Injuries

9. Number of employees involved: _____
List primary unit (P) and assigned backup (B):
Note: Policy and procedure state, "Only two to three units will be directed to engage in the pursuit. These are the primary unit and the assigned backup units."

	Name (last name, first name)	Employee #
P		
B		
B		

List assisting employees and their involvement:

Name	Employee #	Involvement

