

Bill No. SB 124

Barcode 023972

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Siplin moved the following amendment:

Senate Amendment (with title amendment)

On page 2 between lines 13 and 14,

insert:

Section 3. (1)(a) A police department shall make every reasonable effort to apprehend fleeing violators. Sworn officers shall always consider the safety of the public when responding to calls, pursuing violators, or conducting felony stops. Officers shall always consider the dangers of a vehicle pursuit in relation to the lives or property of innocent users of the roadways, law enforcement employees, and the violator. Officers deciding to give chase shall 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 loss of life or property.

(b) Situations in which an officer follows a subject vehicle but does not engage in apprehension efforts do not constitute pursuits. The term "to follow" means to drive in

Bill No. SB 124

Barcode 023972

1 close proximity to a subject vehicle without using any
 2 apprehension efforts, including, but not limited to, hand
 3 signals or emergency take-down equipment. The police vehicle
 4 must adhere to traffic laws and traffic-control devices.
 5 Following a subject vehicle for more than 15 minutes requires
 6 supervisory notification.

7 (c) If apprehension efforts are used, any driver of a
 8 suspect vehicle who fails to yield to apprehension efforts is
 9 subject to prosecution for appropriate charges of fleeing to
 10 elude, resisting, or obstruction. Fleeing and eluding a marked
 11 patrol vehicle that has emergency lights and siren activated
 12 is a felony of the third degree, punishable as provided in s.
 13 775.082, s. 775.083, or s. 775.084, Florida Statutes.

14 (2) As used in this section, the term:

15 (a) "Authorized emergency vehicle" means a police
 16 vehicle operating with its emergency equipment activated and
 17 warning all other traffic by use of a siren or horn and blue
 18 lights. Only marked patrol vehicles may engage in a vehicle
 19 pursuit.

20 (b) "Emergency equipment" means emergency equipment on
 21 police vehicles, including emergency blue lights, sirens,
 22 hazardous warning lights, spotlights, and public address
 23 systems. When an officer has a need to use emergency
 24 equipment, employees shall exercise good judgment and keep
 25 transmissions on the public address system at a professional
 26 level.

27 (c) "Reasonable suspicion" means that an officer must
 28 be able to articulate specific facts which, when taken in the
 29 totality of the circumstances, reasonably indicate that the
 30 suspect did commit or has attempted to commit a violent
 31 forcible felony.

Bill No. SB 124

Barcode 023972

1 (d) "Ten-eighteen response" means the operation of a
2 police vehicle while constantly using blue lights and siren.
3 Emergency four-way flashers and flashing headlights shall also
4 be used to make the vehicle more visible if the vehicle is so
5 equipped.

6 (e) "Termination of pursuit" means a pursuit is
7 considered terminated when the primary and assigned back-up
8 officers have completed the following actions:

9 1. The primary and assigned back-up officers turn off
10 all emergency equipment;

11 2. The primary and back-up officers turn their police
12 vehicles in another direction of travel away from where the
13 suspect's vehicle was last seen heading, or pull to the side
14 of the road if on a limited-access roadway, and inform
15 communications of this fact along with their location; or

16 3. The fleeing vehicle stops.

17 (f) "Traffic stop" means an attempt, by using an
18 authorized emergency vehicle and emergency equipment, to stop
19 a vehicle or otherwise apprehend the occupants of a vehicle.
20 An officer may take steps reasonably necessary to apprehend
21 the offender but must do so with due regard for the safety of
22 all persons and property.

23 (g) "Vehicle apprehension" means the tactics and
24 strategies that are designed to take a suspect into custody
25 who is in a moving motor vehicle, including traffic stops,
26 tactical vehicle takedowns, use of tire-deflation devices,
27 stationary roadblocks, or other approved tactics to apprehend
28 a suspect in a moving vehicle.

29 (h) "Vehicle pursuit" means a multistage process by
30 which a police officer attempts to initiate a traffic stop and
31 a driver resists the directive to stop and increases speed or

1 takes evasive action and refuses to stop the vehicle. Once the
 2 driver refuses to obey the police officer's directive to stop
 3 and the officer continues to attempt to apprehend the vehicle
 4 in a marked patrol vehicle with emergency lights and siren
 5 activated, the terms of this pursuit policy shall apply.

6 (i) "Violent forcible felony" means any of the
 7 following crimes:

- 8 1. Murder.
- 9 2. Manslaughter.
- 10 3. Armed robbery.
- 11 4. Armed sexual battery.
- 12 5. Arson to a structure reasonably believed to be
 13 occupied.
- 14 6. Use of explosive devices to a structure reasonably
 15 believed to be occupied.
- 16 7. Kidnapping.
- 17 8. Armed carjacking.
- 18 9. Burglary armed with a firearm.
- 19 10. Aggravated assault on a law enforcement officer
 20 with a deadly weapon, including a firearm or edged weapon, but
 21 excluding a motor vehicle.
- 22 11. Aggravated battery on a law enforcement officer
 23 resulting in serious injury. An officer's having to move from
 24 the path of a fleeing vehicle does not constitute an
 25 aggravated assault, attempted murder, attempted aggravated
 26 battery, or attempted manslaughter for the purposes of this
 27 policy.

28 (3)(a) Officers may engage in a pursuit when they have
 29 a reasonable suspicion that a fleeing suspect has committed or
 30 has attempted to commit a violent forcible felony. Pursuits
 31 for any other reason are prohibited.

Bill No. SB 124

Barcode 023972

1 (b) The decision to initiate a pursuit shall be based
 2 on the officer's conclusion that the immediate danger to the
 3 public created by the pursuit is less than the immediate or
 4 potential danger to the public if the suspect remains at
 5 large. Factors to consider include:

- 6 1. Alternative means of apprehension.
- 7 2. The nature of the suspected violent forcible
 8 felony.
- 9 3. The potential for endangerment of the public caused
 10 by the eluding acts of a fleeing violator.
- 11 4. The amount of vehicle and pedestrian traffic.
- 12 5. Possibility of identifying the operator or vehicle
 13 at a later date.
- 14 6. Daylight or darkness.
- 15 7. Weather conditions.
- 16 8. Road conditions.
- 17 9. The type of police vehicle.
- 18 10. Vehicle speeds.

19 (c) Once the decision has been made to engage in
 20 pursuit, these factors shall continue to be given careful
 21 consideration in determining the maximum safe speed at which
 22 officers' vehicles may travel throughout the pursuit and
 23 whether to continue with the pursuit. There should be a plan
 24 to end the pursuit as soon as practical.

25 (4)(a) Officers, supervisors, and commanders at all
 26 levels shall closely monitor the progress of each pursuit. The
 27 need for apprehension shall be constantly weighed against the
 28 potential danger created by the pursuit.

29 (b) Upon engaging in a pursuit, officers shall
 30 maintain safe and maneuverable control of their vehicles and
 31 shall immediately radio headquarters to indicate a pursuit is

Bill No. SB 124

Barcode 023972

1 in progress, giving location, direction of travel, speed,
 2 color, year, make, body style, license of the pursued vehicle,
 3 and the crime or suspected crime for which the pursued is
 4 wanted.

5 (c) Existing conditions and the availability of other
 6 field units shall determine the course of action to be taken
 7 to accomplish the apprehension. Only the field supervisor or a
 8 watch commander may direct other units to converge. Other
 9 units, whether uniformed, investigative, or administrative may
 10 not enter into emergency operation unless specifically
 11 directed to do so by the field supervisor or watch commander.

12 (5) The following tactics and conditions must be
 13 adhered to while engaged in a pursuit:

14 (a) Only two or three units may be directed to engage
 15 in the pursuit. These include the primary unit and the
 16 assigned backup. The third unit must be a K-9 unit or third
 17 marked patrol vehicle for apprehension purposes or for the
 18 application of a felony stop.

19 (b) If appropriate, a supervisory unit may also engage
 20 in the pursuit if in a marked vehicle.

21 (c) The watch commander on duty shall be in ultimate
 22 and complete command of vehicle pursuits.

23 (d) Additional assistance, if authorized, will be
 24 determined by:

- 25 1. The nature of the offense.
- 26 2. The number of suspects.
- 27 3. The number of officers present.
- 28 4. Other clear and articulated facts that would
 29 warrant the increased hazard.

30 (e) Pursuing officers and any assigned parallel units
 31 shall respond with emergency equipment activated.

Bill No. SB 124

Barcode 023972

1 (f) Motorcycle units may not engage in pursuits.

2 (g) A group of police vehicles traveling together in a
3 file of unassigned units or caravanning is prohibited.

4 (h) Units may not follow a suspect vehicle the wrong
5 way on a limited-access roadway or on a one-way street.

6 (i) Units may not pass each other unless the lead
7 vehicle grants permission.

8 (j) Units shall terminate any pursuit when
9 communications with headquarters or the field supervisor is
10 lost.

11 (k) A pursuit may be terminated if the suspect has
12 been or can be identified for later prosecution.

13 (l) A pursuit shall be terminated if the officer loses
14 sight of the suspect vehicle, other than for a 15-second
15 period. The field supervisor shall be immediately notified of
16 this event.

17 (m) Rolling roadblocks, high-speed boxing in, heading
18 off, and closing parallel approaches are not permitted. Watch
19 commanders or supervisors may take advantage of situations
20 where the fleeing vehicle is slowed to a near stop by traffic
21 conditions or other obstacles and direct assisting police
22 vehicles to box in the fleeing vehicle.

23 (n) If approved by a watch commander, a stationary
24 roadblock shall provide the suspect vehicle with an
25 opportunity to stop. Lights and flares shall be used if time
26 permits. Private vehicles may not be used in a roadblock.

27 (o) Units may not ram a fleeing vehicle unless deadly
28 force is authorized. Approval from a watch commander must also
29 be obtained, unless the use of such force is immediately
30 necessary to protect human life from death or great bodily
31 harm.

Bill No. SB 124

Barcode 023972

1 (p) Units may not engage in pursuits initiated by
 2 other jurisdictions unless approved by a watch commander and
 3 the pursuit would be proper under the officer's department's
 4 policy. If the pursuit would not be justified under that
 5 policy, officers are limited to blocking traffic at
 6 intersections within the department's jurisdiction with the
 7 watch commander's approval. The watch commander is also
 8 responsible for informing the initiating agency that the
 9 pursuit is not authorized under that policy.

10 (g) Air support units shall be used whenever possible.
 11 The presence of an air unit may negate the need for the
 12 continuance of a pursuit and allow officers to proceed at a
 13 reduced rate of speed to assist in the apprehension. If so,
 14 the officers shall deactivate their emergency equipment,
 15 follow directions from the air unit, and obey all traffic
 16 laws.

17 (r) Unmarked vehicles may not engage in vehicle
 18 pursuits unless specifically authorized by a watch commander.

19 (s) Only marked police vehicles with emergency
 20 equipment activated may be used. Deployment shall be on the
 21 most flat and level roadway possible. Lights and flares shall
 22 be used if time permits. The area must be void of all civilian
 23 traffic and pedestrians.

24 (t) The decision to pursue or to discontinue the
 25 pursuit rests with the pursuing officers up to the point that
 26 the field supervisor or watch commander becomes aware of the
 27 situation. At that time, the field supervisor, the watch
 28 commander, and the pursuing officers each have an obligation
 29 to discontinue the pursuit when circumstances indicate that it
 30 is no longer justified or it is unreasonable to continue. Any
 31 officer ordered to cease a pursuit by a superior officer must

Bill No. SB 124

Barcode 023972

1 do so immediately.

2 (u) The field supervisor or the watch commander shall
3 obtain verbal confirmation that the officer has ceased the
4 pursuit and must do the following:

5 1. The primary and back-up officers shall turn off all
6 emergency equipment.

7 2. The primary and back-up officers shall turn their
8 vehicles in another direction of travel away from where the
9 suspect's vehicle was last seen heading or pull to the side of
10 the road if on a limited access roadway.

11 3. The primary officer shall inform communications
12 that the pursuit has terminated and give the location and last
13 known direction of the suspect's vehicle.

14 (v) The field supervisor shall respond to the scene to
15 assess the situation and provide information for the watch
16 commander.

17 (w) Every vehicle pursuit shall be documented by an
18 incident report and a vehicle pursuit form. In the case of a
19 felony arrest, a separate incident report is not necessary.

20 (x) The watch commander shall respond to the scene to
21 gather the necessary information required for the vehicle
22 pursuit form. Watch commanders shall ensure that these reports
23 are completed by the end of their tour of duty.

24 (y) The watch commander shall forward the vehicle
25 pursuit form and copies of the appropriate reports, including
26 arrest affidavit, incident report, risk management forms for
27 vehicle damage, and defensive tactics form for use of
28 tire-deflation devices to the training section for review. The
29 training section shall forward it, via the watch commander's
30 chain of command, to internal affairs for an administrative
31 review.

Bill No. SB 124

Barcode 023972

1 (6) When an officer attempts to initiate a traffic
2 stop and the driver of the vehicle refuses to stop, and the
3 officer does not initiate a pursuit, the officer shall
4 complete an attempted vehicle apprehension form. The officer
5 shall forward the form to his supervisor who shall forward it
6 to the training section for review. The training section shall
7 track all attempted vehicle apprehensions.

8 (7) Upon the notification that a pursuit is in
9 progress, the communication division shall:

10 (a) Initiate emergency radio traffic and advise all
11 other units that a pursuit is in progress, providing all
12 relevant information.

13 (b) Immediately notify the watch commander and the
14 field supervisor that a pursuit is in progress.

15 (c) Receive and record all incoming information
16 concerning the pursuit and the pursued vehicle.

17 (d) Perform relevant record and motor vehicle checks.

18 (e) Control all radio communications during the
19 pursuit.

20 (f) Coordinate assistance under the direction of the
21 watch commander or the field supervisor.

22 (g) Ascertain the availability of aerial and K-9 units
23 and report their status to the field supervisor or the watch
24 commander.

25 (h) Notify any affected area agencies of the pursuit.

26 (i) Continue to monitor the pursuit until it is
27 terminated.

28 (8) Tire deflation devices such as Stop Sticks,
29 Piranha, Terminator, Barracuda, and Road Spike are devices
30 comparable to a hard-control response to active resistance.
31 Deploying a tire-deflation device during a vehicle pursuit

Bill No. SB 124

Barcode 023972

1 shall be documented on a defensive tactics form indicating
2 that a tire-deflation device was used. Only officers who are
3 trained by the training unit in the use of tire-deflation
4 devices may deploy or activate them.

5 (a) Officers shall make every effort to avoid
6 collateral damage to property which could result from the
7 target vehicle's impact with tire-deflation devices.

8 (b) When deploying Stop Sticks on a roadway as a part
9 of a pursuit, the deploying officer shall notify
10 communications of the intended location and specific lanes of
11 travel targeted for deployment. Communications shall notify
12 units and agencies involved in the pursuit, as well as the
13 on-duty watch commander.

14 (c) Before deploying Stop Sticks on roadways, officers
15 shall:

16 1. Select a location with minimal anticipated and
17 actual pedestrian and bystander presence.

18 2. Position officers and bystanders in a safe location
19 away from the point of impact and potential flying debris.

20 (d) Stop Sticks may not be deployed on motorcycles or
21 bicycles.

22 (e) When used in a pursuit, officers other than those
23 operating the primary and secondary pursuit vehicles are
24 responsible for deployment of Stop Sticks and should deploy
25 the devices in the roadway ahead of the target vehicle they
26 are attempting to stop.

27 (f) Stop Sticks shall be positioned to minimize the
28 ability of the target vehicle to avoid or evade the device.

29 (g) Stop Sticks shall be deployed as a single unit or
30 in combination of two or more sets depending on the width of
31 the roadway to be covered and available time to deploy them.

Bill No. SB 124

Barcode 023972

1 (h) Assisting officers shall prevent traffic from
2 entering the target roadway and shall redirect civilian
3 traffic on the target roadway away from the deployment area.

4 (i) Deploying officers can use their patrol vehicles
5 to channel the fleeing vehicle toward the path of the Stop
6 Sticks if:

7 1. Emergency equipment is activated.

8 2. At least two traffic lanes are available for the
9 target vehicle and pursuing officers without crossing a grass
10 or elevated concrete median.

11 3. Officers have exited their patrol vehicles and
12 assumed a safe position.

13 (j) Deploying officers should immediately remove Stop
14 Sticks from the roadway when no further need for deployment
15 exists and it is safe to do so.

16 (k) The assigned supervisor shall ensure a Stop Stick
17 duplicate reporting form is completed and turned in to supply
18 with the damaged Stop Sticks.

19 (l) Tire-deflation devices may be used by specialized
20 units as a pursuit prevention measure for stationary vehicles
21 or vehicles traveling less than 25 miles per hour. They may be
22 used for the following:

23 1. Control driver's license or DUI checkpoints.

24 2. Suspect surveillance.

25 3. Buy or bust drug operations.

26 4. Warrant service.

27 5. Other situations where the movement of a stationary
28 vehicle must be prevented.

29 (m) Generally, tire-deflation devices may be used to
30 assist another agency, inside or outside a department's
31 jurisdiction. However, the following conditions must be met:

Bill No. SB 124

Barcode 023972

1 1. The pursuit must meet the department's criteria for
2 engaging in a pursuit.

3 2. Another agency must request assistance.

4 3. A watch commander must authorize the use of the
5 tire-deflation device.

6 (9) When an officer under the guidelines established
7 in this policy has initiated a pursuit within the department's
8 jurisdiction, the pursuit may be extended beyond the
9 department's jurisdiction.

10 (a) In such situation, the communications division
11 shall notify the jurisdiction into which the pursuit in
12 entering and shall:

13 1. Advise the jurisdiction of the details of the
14 pursuit, including:

15 a. Location.

16 b. Reasonable suspicion that the occupants have
17 committed a forcible felony.

18 c. Other charges.

19 d. Number of units involved.

20 e. Level of command authorization.

21 f. Type of assistance needed.

22 2. Request assistance and advise specific
23 responsibilities of pursuit units.

24 3. Attempt to patch communications between department
25 units and the jurisdiction through which the pursuit is
26 proceeding.

27 (b) A watch commander must approve a pursuit that
28 extends beyond radio range. Communications shall direct the
29 units in pursuit to a talk group with maximum radio range. If
30 approved, the following guidelines shall be followed:

31 1. The jurisdiction through which the pursuit is

1 proceeding shall be asked to take over the pursuit if
2 requested by a watch commander.

3 2. No more than two units may remain engaged at this
4 time, with one preferably being a supervisor.

5 3. If in the lead, department units shall adjust to
6 take up a support role for continuity and probably cause.

7 4. Command shall be turned over to the new governing
8 jurisdiction.

9 5. Updates shall be maintained by the communications
10 division via pagers, cell phones, or other similar devices.

11 6. Units may continue in a support role for continuity
12 and probable cause as long as conditions allow, with the
13 approval of the governing jurisdiction.

14 7. The Department of Law Enforcement shall be asked to
15 turn on the Mutual Aid TAC Repeater.

16 (c) Department units may only engage in
17 interjurisdictional pursuits when:

18 1. The pursuit meets departmental criteria for
19 engaging in a pursuit; and

20 2. There is a specific request for departmental
21 assistance from the pursuing jurisdiction.

22 (d) All department policies concerning pursuits and
23 roadblocks shall apply, regardless of the type of request from
24 the pursuing jurisdiction.

25 (e) Units may not follow or provide rolling,
26 paralleling tactics around an interjurisdictional pursuit
27 unless the pursuit meets departmental criteria for pursuit and
28 it is requested by the pursuing agency.

29 (f) Units may be dispatched to or remain in areas
30 through which an interjurisdictional pursuit is proceeding to
31 provide support in case the pursuit ends within the

Bill No. SB 124

Barcode 023972

1 department's jurisdiction.

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3 (Redesignate subsequent sections.)

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 1, line 8, after the second semicolon,

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10 insert:

- 11 establishing policies for such pursuits;
- 12 providing definitions; establishing criteria to
- 13 determine when a pursuit may be commenced and
- 14 when it must terminate; providing guidelines
- 15 for officers to follow during pursuits;
- 16 prohibiting certain actions;

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