

By Senator Siplin

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A bill to be entitled

An act relating to police pursuits of fleeing vehicles; establishing policies for such pursuits; providing definitions; establishing criteria to determine when a pursuit may be commenced and when it must terminate; providing guidelines for officers to follow during pursuits; prohibiting certain actions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (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 close proximity to a subject vehicle without using any apprehension efforts, including, but not limited to, hand signals or emergency take-down equipment. The police vehicle must adhere to traffic laws and traffic-control devices.

1 Following a subject vehicle for more than 15 minutes requires
2 supervisory notification.

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

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

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

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

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

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

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

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

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

13 3. The fleeing vehicle stops.

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

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

26 (h) "Vehicle pursuit" means a multistage process by
27 which a police officer attempts to initiate a traffic stop and
28 a driver resists the directive to stop and increases speed or
29 takes evasive action and refuses to stop the vehicle. Once the
30 driver refuses to obey the police officer's directive to stop
31 and the officer continues to attempt to apprehend the vehicle

1 in a marked patrol vehicle with emergency lights and siren
2 activated, the terms of this pursuit policy shall apply.

3 (i) "Violent forcible felony" means any of the
4 following crimes:

5 1. Murder.

6 2. Manslaughter.

7 3. Armed robbery.

8 4. Armed sexual battery.

9 5. Arson to a structure reasonably believed to be
10 occupied.

11 6. Use of explosive devices to a structure reasonably
12 believed to be occupied.

13 7. Kidnapping.

14 8. Armed carjacking.

15 9. Burglary armed with a firearm.

16 10. Aggravated assault on a law enforcement officer
17 with a deadly weapon, including a firearm or edged weapon, but
18 excluding a motor vehicle.

19 11. Aggravated battery on a law enforcement officer
20 resulting in serious injury. An officer's having to move from
21 the path of a fleeing vehicle does not constitute an
22 aggravated assault, attempted murder, attempted aggravated
23 battery, or attempted manslaughter for the purposes of this
24 policy.

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

29 (b) The decision to initiate a pursuit shall be based
30 on the officer's conclusion that the immediate danger to the
31 public created by the pursuit is less than the immediate or

1 potential danger to the public if the suspect remains at
2 large. Factors to consider include:
3 1. Alternative means of apprehension.
4 2. The nature of the suspected violent forcible
5 felony.
6 3. The potential for endangerment of the public caused
7 by the eluding acts of a fleeing violator.
8 4. The amount of vehicle and pedestrian traffic.
9 5. Possibility of identifying the operator or vehicle
10 at a later date.
11 6. Daylight or darkness.
12 7. Weather conditions.
13 8. Road conditions.
14 9. The type of police vehicle.
15 10. Vehicle speeds.
16 (c) Once the decision has been made to engage in
17 pursuit, these factors shall continue to be given careful
18 consideration in determining the maximum safe speed at which
19 officers' vehicles may travel throughout the pursuit and
20 whether to continue with the pursuit. There should be a plan
21 to end the pursuit as soon as practical.
22 (4)(a) Officers, supervisors, and commanders at all
23 levels shall closely monitor the progress of each pursuit. The
24 need for apprehension shall be constantly weighed against the
25 potential danger created by the pursuit.
26 (b) Upon engaging in a pursuit, officers shall
27 maintain safe and maneuverable control of their vehicles and
28 shall immediately radio headquarters to indicate a pursuit is
29 in progress, giving location, direction of travel, speed,
30 color, year, make, body style, license of the pursued vehicle,
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1 and the crime or suspected crime for which the pursued is
2 wanted.

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

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

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

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

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

21 (d) Additional assistance, if authorized, will be
22 determined by:

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

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

30 (f) Motorcycle units may not engage in pursuits.
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1 (g) A group of police vehicles traveling together in a
2 file of unassigned units or caravanning is prohibited.

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

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

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

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

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

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

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

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

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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 (q) 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
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1 officer ordered to cease a pursuit by a superior officer must
2 do so immediately.

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

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

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

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

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

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

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

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

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

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

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

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

17 (c) Receive and record all incoming information
18 concerning the pursuit and the pursued vehicle.

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

20 (e) Control all radio communications during the
21 pursuit.

22 (f) Coordinate assistance under the direction of the
23 watch commander or the field supervisor.

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

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

28 (i) Continue to monitor the pursuit until it is
29 terminated.

30 (8) Tire deflation devices such as Stop Sticks,
31 Piranha, Terminator, Barracuda, and Road Spike are devices

1 comparable to a hard-control response to active resistance.

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

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

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

16 (c) Before deploying Stop Sticks on roadways, officers
17 shall:

18 1. Select a location with minimal anticipated and
19 actual pedestrian and bystander presence.

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

22 (d) Stop Sticks may not be deployed on motorcycles or
23 bicycles.

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

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

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

4 (h) Assisting officers shall prevent traffic from
5 entering the target roadway and shall redirect civilian
6 traffic on the target roadway away from the deployment area.

7 (i) Deploying officers can use their patrol vehicles
8 to channel the fleeing vehicle toward the path of the Stop
9 Sticks if:

10 1. Emergency equipment is activated.

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

14 3. Officers have exited their patrol vehicles and
15 assumed a safe position.

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

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

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

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

27 2. Suspect surveillance.

28 3. Buy or bust drug operations.

29 4. Warrant service.

30 5. Other situations where the movement of a stationary
31 vehicle must be prevented.

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

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

6 2. Another agency must request assistance.

7 3. A watch commander must authorize the use of the
8 tire-deflation device.

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

13 (a) In such situation, the communications division
14 shall notify the jurisdiction into which the pursuit in
15 entering and shall:

16 1. Advise the jurisdiction of the details of the
17 pursuit, including:

18 a. Location.

19 b. Reasonable suspicion that the occupants have
20 committed a forcible felony.

21 c. Other charges.

22 d. Number of units involved.

23 e. Level of command authorization.

24 f. Type of assistance needed.

25 2. Request assistance and advise specific
26 responsibilities of pursuit units.

27 3. Attempt to patch communications between department
28 units and the jurisdiction through which the pursuit is
29 proceeding.

30 (b) A watch commander must approve a pursuit that
31 extends beyond radio range. Communications shall direct the

1 units in pursuit to a talk group with maximum radio range. If
2 approved, the following guidelines shall be followed:

3 1. The jurisdiction through which the pursuit is
4 proceeding shall be asked to take over the pursuit if
5 requested by a watch commander.

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

8 3. If in the lead, department units shall adjust to
9 take up a support role for continuity and probable cause.

10 4. Command shall be turned over to the new governing
11 jurisdiction.

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

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

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

19 (c) Department units may only engage in
20 interjurisdictional pursuits when:

21 1. The pursuit meets departmental criteria for
22 engaging in a pursuit; and

23 2. There is a specific request for departmental
24 assistance from the pursuing jurisdiction.

25 (d) All department policies concerning pursuits and
26 roadblocks shall apply, regardless of the type of request from
27 the pursuing jurisdiction.

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

1 (f) Units may be dispatched to or remain in areas
2 through which an interjurisdictional pursuit is proceeding to
3 provide support in case the pursuit ends within the
4 department's jurisdiction.

5 Section 2. This act shall take effect July 1, 2006.

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8 SENATE SUMMARY

9 Establishes guidelines and policies for police to follow
10 before starting a pursuit of a fleeing vehicle.
11 Establishes guidelines to follow during such pursuit,
12 including when and how to terminate the pursuit.
13 Prohibits certain actions. (See bill for details.)