

By Senator Siplin

19-293-07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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 a marked patrol vehicle 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 is
24 able to articulate specific facts that, 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) "Termination of pursuit" means that the primary
29 and assigned back-up officers have completed the following
30 actions:

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

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

9 3. The fleeing vehicle stops.

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

16 (f) "Vehicle apprehension" means the tactics and
17 strategies that are designed to take a suspect into custody
18 who is in a moving motor vehicle, including traffic stops,
19 tactical vehicle takedowns, tire-deflation devices, stationary
20 roadblocks, or other approved tactics to apprehend a suspect
21 in a moving vehicle.

22 (g) "Vehicle pursuit" means a multistage process by
23 which a police officer attempts to initiate a traffic stop and
24 a driver resists the directive to stop and increases speed or
25 takes evasive action and refuses to stop the vehicle. Once the
26 driver refuses to obey the police officer's directive to stop
27 and the officer continues to attempt to apprehend the vehicle
28 in a marked patrol vehicle that has emergency lights and siren
29 activated, the terms of this pursuit policy apply.

30 (h) "Violent forcible felony" means any of the
31 following crimes:

- 1 1. Murder.
- 2 2. Manslaughter.
- 3 3. Armed robbery.
- 4 4. Armed sexual battery.
- 5 5. Arson to a structure reasonably believed to be
6 occupied.
- 7 6. Use of explosive devices to a structure reasonably
8 believed to be occupied.
- 9 7. Kidnapping.
- 10 8. Armed carjacking.
- 11 9. Burglary armed with a firearm.
- 12 10. Aggravated assault of a law enforcement officer
13 with a deadly weapon, including a firearm or edged weapon, but
14 excluding a motor vehicle.
- 15 11. Aggravated battery of a law enforcement officer
16 resulting in serious injury. An officer's having to move from
17 the path of a fleeing vehicle does not constitute an
18 aggravated assault, attempted murder, attempted aggravated
19 battery, or attempted manslaughter for the purposes of this
20 section.
- 21 (3)(a) An officer may engage in a pursuit if the
22 officer has a reasonable suspicion that a fleeing suspect has
23 committed or has attempted to commit a violent forcible
24 felony. A pursuit for any other reason is prohibited.
- 25 (b) The decision to initiate a pursuit must be based
26 on the officer's conclusion that the immediate danger to the
27 public created by the pursuit is less than the immediate or
28 potential danger to the public if the suspect remains at
29 large. Factors to consider include:
- 30 1. Alternative means of apprehension.
- 31

1 2. The nature of the suspected violent forcible
2 felony.

3 3. The potential for endangerment of the public caused
4 by the eluding acts of a fleeing violator.

5 4. The amount of vehicle and pedestrian traffic.

6 5. Possibility of identifying the operator or vehicle
7 at a later date.

8 6. Daylight or darkness.

9 7. Weather conditions.

10 8. Road conditions.

11 9. The type of police vehicle.

12 10. Vehicle speeds.

13 (c) Once the decision has been made to engage in
14 pursuit, these factors shall continue to be given careful
15 consideration in determining the maximum safe speed at which
16 officers' vehicles may travel throughout the pursuit and
17 whether to continue with the pursuit. There must be a plan to
18 end the pursuit as soon as practical.

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

23 (b) Upon engaging in a pursuit, officers shall
24 maintain safe and maneuverable control of their vehicles and
25 shall immediately notify headquarters to indicate that a
26 pursuit is in progress, giving the location, direction of
27 travel, speed, color, year, make, body style, and license of
28 the pursued vehicle and the crime or suspected crime for which
29 the pursued is wanted.

30 (c) Existing conditions and the availability of other
31 field units shall determine the course of action to be taken

1 to accomplish the apprehension. Only the field supervisor or a
2 watch commander may direct other units to converge. Other
3 units, whether uniformed, investigative, or administrative may
4 not enter into emergency operation unless specifically
5 directed to do so by the field supervisor or watch commander.

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

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

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

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

17 (d) Additional assistance, if authorized, shall be
18 determined by:

19 1. The nature of the offense.

20 2. The number of suspects.

21 3. The number of officers present.

22 4. Other clear and articulated facts that would
23 warrant the increased hazard.

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

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

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

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

31

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

3 (j) Units shall terminate any pursuit when
4 communications with headquarters or the field supervisor is
5 lost.

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

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

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

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

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

27 (p) A unit may not engage in a pursuit initiated by
28 another jurisdiction unless approved by a watch commander and
29 the pursuit would be proper under the officer's department's
30 policy. If the pursuit would not be justified under that
31 policy, officers are limited to blocking traffic at

1 intersections within the department's jurisdiction with the
2 watch commander's approval. The watch commander is also
3 responsible for informing the initiating jurisdiction that the
4 pursuit is not authorized under that policy.

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

12 (r) An unmarked vehicle may not engage in a vehicle
13 pursuit unless specifically authorized by a watch commander.

14 (s) Only a marked police vehicle having emergency
15 equipment activated may be used in a vehicle pursuit.
16 Deployment shall be on the most flat and level roadway
17 possible. Lights and flares shall be used if time permits. The
18 area must be void of all civilian traffic and pedestrians.

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

28 (u) The field supervisor or the watch commander shall
29 obtain verbal confirmation that the officer has ceased the
30 pursuit and must do the following:
31

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

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

7 3. The primary officer shall inform the communications
8 division that the pursuit has terminated and give the location
9 and last known direction of the suspect's vehicle.

10 (v) The field supervisor shall respond to the scene to
11 assess the situation and provide information for the watch
12 commander.

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

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

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

28 (6) When an officer attempts to initiate a traffic
29 stop, the driver of the vehicle refuses to stop, and the
30 officer does not initiate a pursuit, the officer shall
31 complete an attempted vehicle apprehension form. The officer

1 shall forward the form to his or her supervisor who shall
2 forward it to the training section for review. The training
3 section shall track all attempted vehicle apprehensions.

4 (7) Upon the notification that a pursuit is in
5 progress, the communications division shall:

6 (a) Initiate emergency radio traffic and advise all
7 other units that a pursuit is in progress, providing all
8 relevant information.

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

11 (c) Receive and record all incoming information
12 concerning the pursuit and the pursued vehicle.

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

14 (e) Control all radio communications during the
15 pursuit.

16 (f) Coordinate assistance under the direction of the
17 watch commander or the field supervisor.

18 (g) Ascertain the availability of aerial and K-9 units
19 and report their status to the field supervisor or the watch
20 commander.

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

22 (i) Continue to monitor the pursuit until it is
23 terminated.

24 (8) Tire-deflation devices such as Stop Sticks,
25 Piranha, Terminator, Barracuda, and Road Spike are devices
26 comparable to a hard-control response to active resistance.
27 Deploying a tire-deflation device during a vehicle pursuit
28 shall be documented on a defensive-tactics form indicating
29 that a tire-deflation device was used. Only officers who are
30 trained by the training unit in the use of tire-deflation
31 devices may deploy or activate them.

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

4 (b) When deploying Stop Sticks on a roadway as part of
5 a pursuit, the deploying officer shall notify the
6 communications division of the intended location and specific
7 lanes of travel intended for deployment. The communications
8 division shall notify the units and agencies involved in the
9 pursuit, as well as the on-duty watch commander.

10 (c) Before deploying Stop Sticks on roadways, officers
11 shall:

12 1. Select a location that has minimal anticipated and
13 actual pedestrian and bystander presence.

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

16 (d) Stop Sticks may not be deployed on motorcycles or
17 bicycles.

18 (e) When used in a pursuit, officers other than those
19 operating the primary and secondary pursuit vehicles are
20 responsible for deployment of Stop Sticks and shall deploy the
21 devices in the roadway ahead of the vehicle they are
22 attempting to stop.

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

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

28 (h) Assisting officers shall prevent traffic from
29 entering the target roadway and redirect civilian traffic on
30 the target roadway away from the deployment area.

31

1 (i) Deploying officers may use their patrol vehicles
2 to channel the fleeing vehicle toward the path of the Stop
3 Sticks if:

- 4 1. Emergency equipment is activated.
5 2. At least two traffic lanes are available for the
6 target vehicle and pursuing officers without crossing a grass
7 or elevated concrete median.
8 3. Officers have exited their patrol vehicles and
9 assumed a safe position.

10 (j) Deploying officers shall immediately remove Stop
11 Sticks from the roadway when no further need for deployment
12 exists and it is safe to do so.

13 (k) The assigned supervisor shall ensure that a Stop
14 Stick duplicate reporting form is completed and turned in to
15 the supply division along with the damaged Stop Sticks.

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

- 20 1. Control driver's license or DUI checkpoints.
21 2. Suspect surveillance.
22 3. Buy or bust drug operations.
23 4. Warrant service.
24 5. Other situations where the movement of a stationary
25 vehicle must be prevented.

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

- 29 1. The pursuit must meet the department's criteria for
30 engaging in a pursuit.
31 2. Another agency must request assistance.

1 3. A watch commander must authorize the use of the
2 tire-deflation device.

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

7 (a) In such situation, the communications division
8 shall notify the jurisdiction into which the pursuit is
9 entering and shall:

10 1. Advise the jurisdiction of the details of the
11 pursuit, including:

12 a. Location.

13 b. Reasonable suspicion that the occupants have
14 committed a forcible felony.

15 c. Other charges.

16 d. Number of units involved.

17 e. Level of command authorization.

18 f. Type of assistance needed.

19 2. Request assistance and advise specific
20 responsibilities of pursuit units.

21 3. Attempt to patch communications between department
22 units and the jurisdiction through which the pursuit is
23 proceeding.

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

29 1. The jurisdiction through which the pursuit is
30 proceeding shall be asked to take over the pursuit if
31 requested by a watch commander.

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

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

5 4. Command shall be turned over to the governing
6 jurisdiction.

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

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

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

14 (c) Department units may engage in interjurisdictional
15 pursuits only when:

16 1. The pursuit meets departmental criteria for
17 engaging in a pursuit; and

18 2. There is a specific request for departmental
19 assistance from the pursuing jurisdiction.

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

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

27 (f) Units may be dispatched to or remain in areas
28 through which an interjurisdictional pursuit is proceeding in
29 order to provide support in case the pursuit ends within the
30 department's jurisdiction.

31 Section 2. This act shall take effect July 1, 2007.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

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