

MONROE COUNTY SHERIFF'S OFFICE

General Order

CHAPTER: 032-A		TITLE: Pursuits/Forcible Stops
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 Sheriff of Monroe County		

- I. **PURPOSE:** The purpose of this order is to establish policy and procedures governing the pursuit of law violators.
- II. **DISCLAIMER:** This policy is for internal use only. The policy does not claim to create a higher legal standard of safety or care on third-party claims. Violation of this policy may be for the basis of Monroe County Sheriff's Office (MCSO) sanctions only. Law violations may form the basis of civil or criminal action in a court of law.
- III. **POLICY:** It is the Sheriff's policy that vehicle pursuits be conducted when necessary in accordance with current laws and within accepted practices. The intent is to minimize endangering the public at large, the deputies and the fleeing suspect.
- IV. **DISCUSSION:** A law enforcement deputy has a statutory and constitutional obligation to attempt to effect an arrest when the law is violated. In making the attempt, the safety of the general public must be considered. If upon attempting to effect a valid stop or arrest the subject initiates evasive action or refuses to stop, the deputy may initiate pursuit based on the factors identified in this policy. Vehicle pursuits require a greater degree of caution, skill, common sense, and sound judgment for emergency operations. Hazards to the public and pursuing deputies must be considered if initiating or continuing a pursuit. Deputies and supervisors shall terminate their pursuit if the risk to their safety and the safety of others outweigh the violation. These procedures will not relieve deputies from their duty to drive with due care, and not protect them from careless disregard for the safety of others (See FS 316.072).
- V. **DEFINITIONS:**
 - A. **Attempting Arrest:** An initial effort made to stop a moving vehicle for the purpose of arresting or citing the driver or passengers for a violation of the law.
 - B. **Vehicle Stop:** The apprehension and/or detention by deputies in MCSO vehicles of the occupants of a vehicle, whereby the driver of a vehicle immediately stops upon a deputy's initial use of emergency lights and/ or siren.
 - C. **Vehicle Pursuit:** An active and continuing effort by an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle provided the driver of such vehicle is or should be aware of the attempt being made, and increases his speed, takes other evasive actions, or refuses to stop in an attempt to avoid apprehension.
 - D. **Primary Pursuit Unit:** Generally, the unit that initiates the pursuit. If the vehicle initiating an attempted arrest is not a marked car with emergency equipment, a marked car with emergency equipment should assume the primary status as soon as possible.

- E. Secondary Pursuit Unit:** The emergency marked unit that trails the primary unit at a safe distance and which is available to assume the primary role or assist the primary unit if the fleeing vehicle is stopped.
- F. Pursuit Supervisor:** Shift sergeants or, in their absence, the acting shift supervisor where the pursuit occurs will be designated as the pursuit supervisor, and solely responsible for monitoring the pursuit's progress. If both are unavailable, Communications will designate a pursuit supervisor.
- G. Emergency Signal Device:** siren and flashing or revolving lights, which meet the requirements of Florida Statute 316.126(3)
- H. Tire Deflation Devices:** A device designed to disable vehicle tires through slow, controlled deflation.
- I. Pursuit Termination:** When it is ordered that a pursuit be terminated or units disengage, pursuing unit(s) break all contact with the suspect vehicle.
- J. Traffic Law Exemptions**
 - 1. Monroe County Sheriff's Office vehicles that are equipped with emergency lights and sirens are designated as emergency vehicles.
 - 2. Section 316.072(5), Florida Statutes, authorizes emergency vehicles to disregard traffic signals, (after slowing down as may be necessary for safe operation), stop signs, speed limits, directional signs, etc., as long as they do not endanger life and property when responding to an emergency call or pursuit of suspected or actual violators of the law. During any pursuit, there must be due regard for the safety of all persons.
 - 3. Section 316.126, Florida Statutes, requires that emergency equipment be in continuous use when emergency vehicles are being operated beyond the laws regulating all other traffic.

VI. PROCEDURE:

A. Authorized Pursuit Vehicles

- 1. **Marked Patrol Cars:** Marked patrol cars equipped with sirens and emergency lights may engage in pursuits of fleeing vehicles.
- 2. **Motorcycles and Unmarked Cars:** Motorcycles and unmarked cars equipped with emergency lights and sirens may initiate and engage in a pursuit until a marked patrol car can take over as primary pursuit vehicle. At that time the motorcycle/unmarked car will disengage from the pursuit.
 - a. No more than two vehicles shall be involved in a pursuit, primary and secondary, unless authorized by the pursuit supervisor.
 - b. Deputies will not caravan in pursuits or while assisting other agencies or jurisdictions
 - c. Deputies will not become involved in pursuits if they have a civilian passenger in their vehicle.
 - d. Vehicles transporting inmates or prisoners will not become involved in pursuits.
 - e. Corrections deputies will not become involved in pursuits.

- f. Civilian employees will not become involved in pursuits.

B. Significant Factors to Consider When Initiating a Vehicular Pursuit:

1. The following factors will be considered when determining whether any pursuits should be initiated, continued or terminated:
 - a. The seriousness of the originating offense and its relationship to community safety.
 - b. Safety of the public in the area of the pursuit.
 - c. Safety of pursuing deputies
 - d. Time of day
 - e. Volume of vehicular traffic
 - f. Volume of pedestrian traffic
 - g. Location of pursuit (residential or rural)
 - h. Weather conditions
 - i. Road conditions
 - j. Familiarity of deputies and supervisors with the area of the pursuit
 - k. Speeds involved
 - l. Quality of radio communications between pursuing unit(s), communications and supervisor
 - m. Type of road
 - n. Whether the suspect being pursued is readily identifiable and able to be captured at another time or by another means.
 - o. Deputy's training and/or experience in pursuit driving, along with the conditions and performance capabilities of the pursuit vehicles; and
 - p. The necessity of immediate apprehension weighed against the risk to the public.
2. The desirability of continuing a pursuit in which a fleeing vehicle refuses to stop will be evaluated continuously by the appropriate supervisor.

C. Pursuit Communication: All communications will be conducted on the PTL1 channel. Communications will direct all other radio traffic to alternate channel, as designated by Monroe County Sheriff's Office Communications. **Sheriff's Radio System is the Only Authorized Communications Method:** No communication with communications operators or between units involved in the pursuit will be conducted via cellular phones or computers.

D. Responsibilities

1. **Primary Pursuing Deputy's Responsibility:** Upon initiation of a pursuit, a deputy shall immediately request assistance, notify communications of the pursuit and furnish all pertinent details to include:

- a. The description of the vehicle, location and direction of travel,
 - b. Reason for pursuing the vehicle, and any other information that could aid in identification, apprehension, or other determination to either continue or terminate the pursuit.
2. **Secondary Pursuit Deputy Responsibilities:** Secondary pursuit deputies will keep Communications informed of the pursuit's progress, pursuit speeds, changes in travel direction, street and road locations, and last intersection or cross-street passed.
3. **Supervisor's Responsibilities:**
- a. Overall responsibility for the decision concerning continuation and/or termination of a pursuit rests primarily with the appropriate supervisor. The supervisor upon being made aware of a pursuit shall:
 - 1) Continually evaluate the above factors to determine if the pursuit should continue or be terminated.
 - 2) Ensure the pursuit is being conducted by a marked unit.
 - 3) Identify the primary and secondary pursuit units and ensure that Communications is aware of their designation.
 - 4) Cancel any non-required units from the pursuit.
 - 5) Ensure allied agencies have been informed if the pursuit will enter their jurisdiction or if assistance is needed.
 - 6) Terminate the pursuit if:
 - a) there is insufficient information to justify the pursuit,
 - b) conducting the pursuit is more dangerous than not capturing the suspect or
 - c) circumstances no longer justify the pursuit.
 - 7) Conduct the investigation required if an MCSO vehicle is involved in an accident during a pursuit, even a non-contact vehicle accident. Florida Highway Patrol will conduct the primary crash investigation.
 - 8) Respond to the scene of all terminated pursuits, especially when forcible stop techniques are applied, a traffic crash occurs, an injury or death occurs, and/or an arrest is made.
 - b. In cases where pursuits result in serious injury/property damage or death to any person, pursuit supervisor will be responsible for notifying the termination location's district commander, FHP and the Bureau of Law Enforcement Chief, who will notify the Sheriff's Legal Counsel, the Undersheriff and the Sheriff.
4. **Communications Operator Responsibilities:**
- a. Designate PTL1 for all pursuit communications.
 - b. Direct all unrelated radio traffic to alternate channel.

- c. Immediately notify the appropriate field supervisor.
 - d. Control all radio communications during the pursuit.
 - e. Coordinate assistance under the direction of the patrol supervisor.
 - f. Advise other agencies of the pursuit and whether assistance is needed or is not needed.
 - g. Advising and keeping other units informed of the vehicle pursuit's progress.
 - h. Attempt to obtain any available information concerning the identity of the suspect vehicle's occupants and reason for pursuit.
 - i. Make every effort to identify the driver and to determine if he/she is likely to be locatable in the immediate future. This information will be given to the appropriate supervisor to be evaluated for pursuit termination.
 - j. If it appears that a pursuit has a potential to cross into another jurisdiction, the affected agency shall be promptly notified by Communications and given all available data regarding the pursuit.
5. **Communications Responsibilities During Pursuit:** During a pursuit, good communications between the pursuing unit(s), communications, the appropriate supervisor and other units are essential. The pursuing deputies shall
- a. Maintain radio contact with Communications
 - b. Keep radio transmissions as brief as possible
 - c. Keep radio transmission pertinent to the pursuit and advise locations and changes in direction
 - d. If communication is lost between the primary unit and Communications or supervisor, the pursuit may be terminated.
- E. Conduct of the Pursuit:** The initial pursuing vehicle (primary pursuit unit) and one backup vehicle (secondary pursuit vehicle) shall normally be the only ground units necessary to pursue a fleeing vehicle. The secondary pursuit unit shall not follow too closely, and will not attempt to pass the primary pursuit unit unless the primary pursuit unit is forced to drop out. Pursuing units shall:
- 1. Not pass or attempt to pass other units involved in the pursuit.
 - 2. Maintain adequate spacing between units to ensure proper braking and reaction time.
 - 3. Not drive on the wrong side of the road or in the wrong direction to overtake or pursue a violator.
 - 4. Not use roadblocks unless authorized by the pursuit supervisor in accordance with policy on the *Use of Tire Deflation Devices* (see policy below).
 - 5. Not use their vehicle to bump or ram a suspect's vehicle.
 - 6. Not pursue on parallel streets unless directed by the pursuit supervisor.
 - 7. Take reasonable precautions when proceeding through intersections to avoid crashes with other vehicles not involved in the pursuit.

F. Route Staging: Non-pursuing units may stage along the pursuit route in the event assistance is needed when the pursuit is terminated, but shall not engage in the pursuit as it passes their location.

G. Leading Pursued Vehicle Prohibited: No MCSO unit shall lead/escort/block a pursued vehicle, at any speed, by driving in front of the suspect vehicle.

H. Use of Firearms/Weapons During a Pursuit:

1. Deputies shall not shoot from or at a moving vehicle or use any device, chemical agent, or technique that may incapacitate the driver of the suspect vehicle except under the following circumstances:
 - a. As a last resort to prevent imminent death or serious physical injury to the deputy or other person(s), or
 - b. As a last resort to apprehend a suspect who has just committed a felony resulting in a death or serious physical injury, and
 - c. There is a high probability of striking the intended object, without causing harm to innocent persons.
2. Deputies will not fire their weapons at tires in an attempt to deflate the tires.

I. Termination of the Pursuit:

1. The primary pursuit unit will continually re-evaluate and assess the pursuit situation, including all the initiating factors, and will terminate the pursuit whenever he/she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
 - a. A pursuit will be terminated if the suspect's identity is determined, immediate apprehension is not necessary to protect the public or deputies, and apprehension at a later date is feasible.
 - b. A supervisor may order the termination of a pursuit at any time.
 - c. The primary and secondary deputy may terminate a pursuit if
 - 1) it becomes evident the suspect cannot be apprehended when the distance between the pursuit vehicle increases to the extent that pursuing units can no longer keep pace with the fleeing vehicle.
 - 2) the pursuit vehicle loses visual contact with the fleeing vehicle to the extent identification of the fleeing vehicle becomes uncertain.
 - 3) the pursued vehicle goes the wrong way on limited access, divided, or interstate highways.
2. When any pursuing or secondary unit is directed by a supervisor to terminate or disengage from a pursuit the unit is to immediately:
 - a. Turn off emergency lights and siren.
 - b. Reduce speed to the posted speed limit

- c. Take no further aggressive driving maneuvers to keep pace with or sight of the suspect vehicle, and allow the suspect vehicle to proceed without being followed.
- d. Abide by legal driving behavior.
- e. May include pulling off the road.

No disciplinary action will be brought against the deputy or supervisor for terminating a pursuit.

J. Pursuits Outside Monroe County: A pursuit, initiated within Monroe County may eventually move beyond the jurisdictional boundaries of Monroe County. MCSO deputies, engaged in a pursuit outside Monroe County, shall continue to follow all policies of the Monroe County Sheriff's Office. Deputies engaged in a pursuit which leaves Monroe County may only continue the pursuit with the approval of a patrol supervisor or commander.

1. Communications responsibility:

- a. Advise the other jurisdictions of the following information;

- 1) Location;
- 2) Probable cause for the pursuit;
- 3) Vehicle, suspect, and occupant information; and
- 4) Any available data on the pursuit such as length and speed.

- b. Request specific assistance needed by the Monroe County Sheriff's Office pursuit units.

- c. Coordinate radio channels between Monroe County Sheriff's Office and the jurisdictions through which the pursuit is proceeding.

2. Traveling outside radio range prior to approaching Florida City of the north end of the 18-mile stretch, the deputy will switch over to the interagency channel on Zone IO channel 8CALL90. This is monitored by Miami Dade Police and FHP Miami. Our dispatch center will also be able to monitor. The jurisdiction through which the pursuit is proceeding will be asked to take over the pursuit by communications. When the jurisdictional agency takes the lead, in the pursuit:

- a. Monroe County Sheriff's Office units will assume a support position

- b. Command will be turned over to the jurisdiction.

- c. Updates shall be maintained by Communications via landline.

- d. Monroe County Sheriff's Office may continue in a support role for continuity and probable cause as long as conditions allow and with the approval of the governing jurisdiction.

3. If the adjoining agency determines the pursuit shall be terminated, the Monroe County Sheriff's Office shall honor this decision immediately and terminate the pursuit.

K. Pursuits Entering Monroe County: When a pursuit enters Monroe County, the action of officers will be governed by the policy of the officer's own agency, specific inter-jurisdictional agreements, and state law as applicable.

L. Assistance Requested From Other Agency (AOA): If supervisors are notified by Communications that the pursuit from another agency is about to enter MCSO jurisdiction, the supervisor will decide if assistance is needed by the pursuing agency. When a determination is made, the supervisor may assign added vehicles as specified in the *Authorized Pursuit Vehicles* section above. Supervisors will not authorize a new pursuit if the pursuing agency canceled their pursuit. Supervisors must have further information to justify renewing the pursuit. Under no circumstances will supervisors violate policy when assisting another agency.

M. Forcible Stops to Apprehend Fleeing Vehicles:

1. Offensive action should be employed in areas where there is minimum safety risk to the public and which is tactically advantageous for the pursuing deputies.
2. When it is necessary to stop a fleeing vehicle, because
 - a. The subject will not voluntarily stop,
 - b. The subject cannot be positively identified and apprehended at a later time, and
 - c. There is a danger to the public at large if the subject is not immediately apprehended

forcible stopping techniques may be necessary and should be employed in a lesser to greater use of force unless circumstances dictate otherwise.

N. Authorized Method of Forcible Stops: A deputy who has been trained in the use of an approved tire deflation device may deploy the device in an attempt to disable a fleeing vehicle only if authorized by the pursuit supervisor.

1. Use of Tire Deflation Devices:
 - a. Tire deflation devices shall not be used on two-or three-wheeled vehicles or when innocent passengers are likely to be injured.
 - b. Deployment locations should have reasonably good sight distance to enable the deploying deputy to observe the pursuit and other traffic as it approaches.
 - c. The deploying deputy should choose a location with natural barriers such as overpasses, guardrails, bridge abutments or shrubbery. The barrier will conceal the deputy from the suspect's view and allow deployment of the device from a position of relative safety.
 - d. The deploying deputy and the pursuit deputy shall ensure, and acknowledge over the radio, that they are positioned so the suspect drives over the device and it is removed before the pursuit units cross it.
 - e. Once the suspect's vehicle passes over the device, the device will immediately be removed from the roadway to prevent damage to vehicles not involved in the pursuit and pursuing patrol vehicles.
 - f. The devices shall be secured in strategic locations throughout the county and shall be accessible to deputies trained in their use.
2. Use of Tire Deflation Device Reporting Requirement: If deployment of a tire deflation device results in contact with a pursued vehicle, the use of the tire deflation device must be reported in the vehicle pursuit report in the SmartCop Records Management System.

- O. Authorization Level:** The Pursuit Supervisor may authorize deployment of a tire deflation device if the deploying deputy has received training on the proper use and deployment of the device. Prior to authorizing a forcible stop, the supervisor must weigh the nature of suspected offense, road conditions, traffic conditions, potential area of deployment, and other factors affecting safety of the public at large, injury to the suspect and deputy(s). The Bureau of Law Enforcement Chief, Undersheriff and/or Sheriff will be immediately notified of all uses of forcible stop techniques as soon as possible after deployment by the pursuit supervisor. Anytime a technique to forcibly stop a fleeing suspect, is used a full written report will be completed providing necessary probable cause and a full account of the incident. The only authorized method of forcible stops is the deployment of tire deflation devices.
- P. Prohibitions:** ALL other methods of forcible stops, such as but not limited to, channeling, pinning, rolling road blocks, total road blocks, are expressly PROHIBITED by the Monroe County Sheriff's Office.
- Q. Apprehension of Subjects:**
1. After the pursued vehicle is stopped. The primary pursuit vehicle will advise Communications of:
 - a. The exact location of the stop, vehicle's tag number if not already provided, number of occupants in custody and if any occupants have fled the scene.
 - b. Any other assistance needed at the termination point such as rescue units, other vehicles and supervisors.
 2. The pursuit supervisor will respond to the termination location to assume incident command, and insure all needed actions are completed and all appropriate notifications are made.
 3. If the pursuit terminates in another jurisdiction outside of Monroe County, the pursuit supervisor will respond to assist the jurisdiction's chief ranking officer in managing the incident scene.
 4. After arrests are made and needed assistance is rendered, unneeded vehicles will return to their area of assignment and resume regular patrol duties.
- R. Training Requirement:** Training will be provided in the deployment of the tire deflation device technique as established by the Training Division and the manufacturer's recommended use. Only deputies trained in the use of tire deflation devices are authorized to utilize this forcible stop technique.
- S. After Action Reporting:** Anytime a pursuit is initiated and is later terminated by either the initiating deputy or a supervisor, the pursuit shall be documented on an offense report. Each deputy involved in the pursuit shall document his/her actions within the offense report. Documentation may include, but is not limited to:
1. Names of pursuing deputies and supervisors involved
 2. Reason for the pursuit
 3. Place of origin
 4. Route of travel
 5. Length of pursuit (in distance and time)

6. Point of termination
7. Suspect's name, if apprehended
8. Injuries and/or damage that occurred as a result of the pursuit;
9. Any medical treatment rendered, and
10. Any other noteworthy data or findings

T. Pursuit Review

1. All pursuits and forcible stops shall be reviewed by the primary pursuit deputy's captain. Within three (3) business days, the captain shall review all available evidence regardless of form but not including any sworn member(s) interview. The captain shall then prepare a memorandum to the Bureau of Law Enforcement Major outlining the findings and recommended determination. This determination shall indicate policy violation(s) if any are present. If training/policy issues are identified, the memo shall include the captains' recommended corrective action such as counseling with evaluation notations or referral to Internal Affairs for a formal investigation.
2. Once the Bureau of Law Enforcement Major receives the memorandum, he/she shall also review all available evidence regardless of form and make a final determination of no issues identified or training/policy issues identified with corrective action to be taken.
3. The Support Services Captain shall conduct an annual documented analysis of all pursuit reports, to include a review of policy and reporting procedures approved by the Sheriff, to identify trends and issues needing to be addressed by the office and recommend any additions, deletions, or modifications warranted in this policy.
4. This annual review is to be completed and forwarded to the Bureau of Law Enforcement Chief. Upon review by the Bureau of Law Enforcement Chief, the report will be forwarded to the Sheriff via chain of command.