



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

PURSUIITS AND EMERGENCY RESPONSE

| GENERAL ORDER | EFFECTIVE DATE | RESCINDS/AMENDS | APPLICABILITY |
|---------------|----------------|-------------------|-------------------------------------|
| 03 | May 9, 2019 | December 14, 2017 | All Sworn Members and Duty Officers |

References

33 CFR 88.11 and 88.12; S. 316.072, 316.515, 316.535, 327.33 and 901.25, F.S.; GO 06 and 39; IPM 19-01

CFA 14.05M, 14.06M, 14.07M, 14.13M, 18.09, 18.10M and 25.09M

1 POLICY

- A** It is the policy of the Division to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the Division to assist sworn members in the safe performance of their duties. To effect these obligations, it shall be the policy of the Division to strictly regulate the manner in which vehicular/vessel pursuits are undertaken and performed.
- B** Pursuits should not be confused with following or overtaking. A pursuit begins when a sworn member believes the operator has become aware that the sworn member is signaling him or her to stop, by using emergency equipment and attempts to elude the sworn member by trying to avoid capture, by using speed in excess of the posted limit, evasive tactics or other maneuvers which constitute reckless operation.
- C** Sworn members are authorized to pursue violators who are reasonably thought to be violent and pose a danger to the public at large. Sworn members may pursue a suspect if the sworn member reasonably believes the suspect has committed or attempted to commit a crime of violence.
- D** Sworn members are authorized, with supervisory approval, to engage in the pursuit of non-violent vehicle or vessel operators (violators) when the pursuit occurs in open uncongested waters or on uncongested roadways.
 - (1)** Uncongested waters or roadways are defined as an area without other traffic, conveyances, or persons visible to the officer in the path of the pursuit. This allowance does not remove the need for reasonableness both in consideration of the violation and in consideration of the safety of the public, sworn member, and suspect.
- E ALL OTHER PURSUIITS ARE PROHIBITED.**

2 RESPONSIBILITIES

A Division

- (1) It is the responsibility of the Division to establish specific guidelines and training for emergency response or pursuit driving that shall contribute to public safety and facilitate apprehension of violators. This policy is intended to balance the two objectives and to assist the sworn member in making decisions during such incidents. Each decision must be based upon the totality of circumstances involved in each emergency response or pursuit.

B Members

- (1) It is the responsibility of sworn members who operate in an emergency response or pursuit mode to do so in a safe, lawful and prudent manner.
- (2) Sworn members are responsible for determining whether a pursuit is permitted by this General Order prior to engaging in a pursuit.

C Supervisors

- (1) Sworn supervisors shall take command of, approve or terminate all pursuits, and be responsible for monitoring and directing pursuits and emergency response calls.

D Aviation Units

- (1) Aerial assistance shall be used, if available. The air unit shall coordinate the movement of ground units in cooperation with the supervisor.

E Communications Center

- (1) Upon notification that a pursuit is in progress, the duty officer shall:
 - (a) Immediately notify the on-duty sworn law enforcement supervisor closest to the area of the pursuit. If a supervisor is not readily available to monitor the pursuit it shall be terminated.
 - (b) Receive and record all information on the pursuit situation and the pursued vehicle or vessel.
 - (c) Coordinate all radio communications and clear the radio channel(s) of all non-emergency calls.
 - (d) Coordinate and dispatch back-up and support assistance under the direction of a sworn supervisor.
 - (e) When requested by a pursuing sworn member or a supervisor, obtain criminal records and vehicle or vessel checks on the suspect(s).
 - (f) Notify all appropriate agencies of the active pursuit.

3 PROCEDURES

A Response to Calls

- (1) Sworn members responding to calls for service not requiring an emergency response shall obey all traffic and vessel laws including applicable speed limits. Emergency lights and siren shall not be used during the response. However, if while en-route to the incident the sworn member encounters traffic congestion, and where a response needs to be timely, the sworn member may circumvent the traffic congestion by the safest route using due care. Emergency lights and siren shall be used during such movement through traffic congestion.
- (2) The provisions of this General Order shall not relieve the operator of an emergency law enforcement vehicle or vessel from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

- (3) Additionally, all sworn members engaged in any emergency response situation shall comply with the following procedures:
- (a) Immediately activate emergency lights and siren, which shall remain activated continuously throughout the emergency response and notify communications of your emergency response status. Four-way flashers shall not be activated during an emergency response. The temporary termination of siren use is authorized to facilitate communications or safe operation in vessels if the lack of their use can be accomplished without danger to the public.
 - (b) Sworn members shall not respond to resource violations in an emergency response mode.
 - (c) Speed should not exceed 15 MPH over the posted speed limit unless:
 - 1. An immediate threat exists, and
 - 2. The sworn member's quick response is necessary, and
 - 3. Circumstances exist that would provide for the safe operation of the patrol unit at higher speeds and the gravity of the situation so warrants.
 - 4. Speed entering and exiting a tollbooth, shall never be greater than the posted speed limit or if not posted, 15 MPH.
 - (d) In the event of an equipment failure that could result in the unsafe operation of the patrol vehicle or vessel during an emergency response mode, such emergency response mode shall be terminated and the communication center notified.

B Operations of Vehicles or Vessels during Pursuits and Emergency Response Mode

- (1) When responding to an emergency call involving violence or the threat of violence to the sworn member or another person, an accident involving serious bodily injury or the possibility of such, search and rescue responses in which there is a potential for loss of life or serious bodily injury dictates a speedy response, the sworn member may engage in emergency conveyance operations.
- (2) When it is necessary to use a Division patrol vehicle to block a road for traffic control purposes the emergency lights shall be used. The use of Division vehicles as roadblocks for terminating a pursuit is prohibited.
- (3) The provisions of this General Order shall not relieve the driver of a Commission vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver of a Commission vehicle from the consequences of careless disregard for the safety of others (see Section 316.072 (5), Florida Statutes).

C On-Duty Vehicle Escorts

- (1) Division members are not routinely authorized to provide on-duty vehicle escort services except as permitted by this General Order. Requests for vehicle escorts shall be referred to the local agency having jurisdiction.
- (2) The Division's patrol resources shall not be devoted to servicing requests for escorts for commercial vehicles and/or over-dimensional vehicles, unless such escorts are provided:
 - (a) For purposes of alleviating an existing hazard or to address emerging public safety concerns.
 - (b) In accordance with requests initiated by other government agencies, where public safety concerns or security interests are involved.

- (c) Members may provide vehicle escort services for oversize vehicles and hazardous and unusual cargo as extra-duty law enforcement employment if approved and in accordance with General Order 06, *Off-Duty, Extra-Duty, and Hire-Back Employment*, and IPM 19-01 – *Extra-Duty Commercial Vehicle Escort Services*.
- (3) Members may only provide funeral escort services in accordance with General Order 39, *Honor Guard* and as authorized in the Division’s Honor Guard Manual.
- (4) Members are prohibited from providing escort services to emergency vehicles and civilian vehicles in medical emergencies. Under exigent circumstances, sworn members may transport victims to medical aid if that would bring medical aid quicker than waiting for medical personnel.
- (5) Members may only provide vehicle escort services to public officials and dignitaries if approved by the Division Director or designee.
- (6) The Division Director or designee shall have final authority on allowing vehicle escorts in emergency and non-routine circumstances, including but not limited to, disaster response and deployment, special events, special requests for funeral escort services for members of the law enforcement community or government officials, etc.
- (7) At no time are escorts permitted to exceed the posted speed limit.
- (8) No part of this General Order shall be construed as restricting the ability of command staff or sworn members in the field to address threats to public safety or to respond to emerging public safety emergencies.

D Use of Emergency Warning Devices while in a Pursuit or Emergency Response Mode

- (1) During a pursuit or emergency response, four-way flashers shall not be used.
- (2) The spotlight shall at no time be directed at the windshield or vision of oncoming vehicles or vessels.
- (3) In no event shall a sworn member operate an emergency conveyance contrary to the traffic laws of this state unless emergency lights and siren are activated.
- (4) Sworn members shall activate emergency signal devices when required to assist in handling any perceived emergency. The sworn member shall advise communications personnel of the nature of the emergency and the emergency response mode.
- (5) Audible and visible warning devices shall be used to make notice of intent to stop a vehicle or vessel and to provide a safe environment for the vehicle or vessel operator, sworn member, and the public.
- (6) **Exception:** When responding in an emergency response mode, emergency signal devices may be deactivated when at a distance from the scene (to be determined by the sworn member) to not alert subjects to law enforcement proximity.

E Use of Emergency Warning Devices

- (1) In non-emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow sworn member, a sworn member may activate emergency warning devices, such as emergency lights (flashing red and/or blue lights), siren, hazardous warning lights, the spotlight, headlights, and public-address system, as additional safety measures to allow orderly and safe transit through congested roads or waterways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:
 - (a) Using emergency lights as “beacons” to protect disabled vehicles or vessels; or
 - (b) Using emergency lights when it is necessary to use Division conveyances as protective barriers.

- (2) Using emergency lights on a vessel when engaged in public safety activities as provided in 33 CFR 88.11 and 88.12.
- (3) Operators of emergency conveyances shall deactivate emergency warning devices as soon as possible.
- (4) If a non-sworn member operates a law enforcement vehicle which is equipped with emergency warning devices, the non-sworn member shall not utilize the emergency lights (flashing red and/or blue lights), siren, or public address system.
 - (a) Select non-sworn members (e.g. fleet personnel) may utilize the emergency lights, siren, public address system, and any other emergency warning devices while installing or testing the devices in an area away from the general public.

F Out-of-State Emergency Responses

- (1) Sworn members may respond to an emergency incident outside of the Division's jurisdiction with a sworn supervisor's approval. All procedures covered in this General Order shall be followed.

G Inter-Jurisdictional Pursuits

- (1) A sworn member may pursue a fleeing suspect beyond the jurisdiction of the state when in fresh and continuous pursuit as outlined in Section 901.25, Florida Statutes, with supervisory approval, and only when the sworn member reasonably believes the suspect has committed or attempted to commit a crime of violence.
- (2) The pursuing sworn member shall immediately notify the communications center when it appears likely that a pursuit shall continue into a neighboring jurisdiction.
- (3) Upon notification by the pursuing sworn member, the duty officer shall contact the law enforcement agency within the pursuit jurisdiction to advise the status of the pursuit and the known charge(s) against the suspect. The duty officer shall also notify a sworn supervisor and provide updates on the progress of the pursuit.

H Sworn Member's Procedures during Pursuits

- (1) A sworn member must continuously balance the seriousness of the offense and the potential danger to life and property created by a pursuit or overtaking situation with the likelihood of apprehending the suspect, all while operating with due regard for public safety.
- (2) In making the decision to initiate or continue a pursuit or overtake, a sworn member shall consider the following factors:
 - (a) The time of day, number of pedestrians, swimmers, divers, snorkelers, and other civilians.
 - (b) Other vehicle or vessel traffic present.
 - (c) The sworn member's training and experience in vehicle pursuit driving or vessel pursuit operation. Division training in pursuit tactics is required prior to engaging in a pursuit or an emergency response.
 - (d) The sworn member's training and experience with the type of emergency vehicle or vessel being operated.
 - (e) The condition and performance capabilities of the pursuit emergency vehicle or vessel.
 - (f) The sworn member's familiarity with the area in terms of the sworn member's ability to accurately notify the communications center of the location and direction of the pursuit.
 - (g) The sworn member's ability to maintain continuous contact with the Division's communication center.
 - (h) Road, sea, visibility and weather conditions.
 - (i) Possibility of identification and later apprehension of suspect(s).

- (j) Availability of other law enforcement units to assist in the pursuit to include air units.
 - (k) Pursuits while towing boats, trailers, or any other item are prohibited.
 - (l) All-Terrain Vehicles (ATVs) and Personal Watercrafts (PWCs) shall not be used in pursuits.
 - (m) Division emergency conveyances that contain non-sworn personnel shall not become involved in pursuits.
- (3) The sworn member shall immediately notify the communications center of their intention to pursue. The sworn member shall clearly provide the communications center with the following information:
- (a) Location, speed, and direction of travel of the fleeing vehicle or vessel.
 - (b) Specific reasons for the pursuit including identifying the offense which the operator or occupant is accused of committing.
 - (c) Description and license or registration number, if known, including any information which would aid in identification of the vehicle or vessel.
 - (d) Number of occupants in the fleeing vehicle or vessel and, where possible, any descriptions which would aid in identification.
- (4) Once a pursuit has been initiated, the sworn member shall:
- (a) Immediately activate emergency lights and siren, which shall remain activated continuously throughout the pursuit or emergency response.
 - 1. The temporary termination of siren use is authorized to facilitate communications or safe operation in vessels as long as the lack of their use can be accomplished without danger to the public.
 - (b) Notify communications of operating in emergency response status and request notification of member's supervisor or nearest available supervisor by the Duty Officer.
 - (c) Confirm supervisory approval to continue pursuit.
- (5) Any emergency vehicle or vessel which sustains damage to, or failure of, essential equipment (lights, siren, mechanical) shall not continue in the pursuit unless the totality of the circumstances indicate that the pursuit should be continued and it may be accomplished safely. The sworn member shall notify the communications center that they are discontinuing pursuit due to equipment difficulties.
- (6) The primary pursuit or initiating emergency vehicle or vessel shall reduce to that of secondary or support when:
- (a) The fleeing vehicle or vessel comes under the surveillance of an air unit; or
 - (b) Another emergency conveyance has assumed primary pursuit responsibility.
- (7) Trucks and SUV patrol vehicles should relinquish primary pursuit to standard pursuit vehicles during on-road pursuits, if available.
- (8) Unmarked emergency vehicles or vessels should only be used in pursuits until a marked unit can assume primary pursuit.
- (9) All emergency vehicles or vessels monitoring the pursuit shall switch to the appropriate channel when designated by the communications center.
- (10) The decision to pursue a vehicle or vessel rests with the individual sworn member, but that decision may be reversed by any sworn supervisor at any time.
- (11) Sworn members shall not pursue violators to the point of exhausting their fuel supply.
- (12) Sworn members shall not, under any circumstances, pursue violators the wrong way on any interstate, highway, road, or street.

I Sworn Supervisor's Procedures during Pursuits

- (1) Upon notification that a pursuit is occurring, the sworn supervisor shall assume responsibility for monitoring and control of the pursuit and its progress:
 - (a) Determine if pursuit criteria have been met.
 - (b) Determine if other agency assets are needed.
 - (c) Direct aerial assets if available.
 - (d) Monitor the pursuit, and approve or order alternative tactics until the pursuit is terminated. The supervisor may terminate the pursuit at any time.
 - (e) Shall respond to the scene whenever an accident occurs during a pursuit.

J Aviation Unit

- (1) When the Aviation Unit arrives, it becomes the primary pursuit unit. Emergency conveyance primary pursuit and support units shall then restrict radio communications, decrease speed, and follow at a safe distance.
- (2) The Aviation Unit shall be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to sworn members and supervisory personnel.
- (3) When a ground pursuit is terminated, the Aviation Unit shall continue to broadcast the direction of travel and other pertinent information. Sworn members shall proceed in accordance with section 3 (Procedures), subsection A, *Response to Calls*, and position themselves for apprehension once the vehicle or vessel has stopped.
- (4) The Aviation Unit shall fly at a safe altitude as determined by the pilot and maintain a sufficient distance to avoid alerting the operator of the fleeing vessel or vehicle to its presence.
- (5) The pilot and the sworn supervisor have the authority to terminate the aircraft pursuit.

K Pursuit Tactics

- (1) Unless expressly authorized by a sworn supervisor, pursuits shall be limited to the assigned primary and secondary emergency vehicles or vessels. Sworn members other than primary or secondary are not permitted to join the pursuit. If more assistance is authorized, the additional assistance shall be determined by:
 - (a) Nature of offense;
 - (b) Number of suspects;
 - (c) Whether the participating units have more than one officer; or other clear and articulated facts that would warrant the increased hazard.
- (2) If the primary unit is a one-person unit, the secondary unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- (3) The secondary unit shall identify his or her role as the secondary unit to the Regional Communications Center (RCC).
- (4) The secondary unit shall not attempt to assume control unless the primary unit drops out or a supervisor directs such action.
- (5) Both the primary and secondary units, and any other vehicles or vessels which have been authorized for a pursuit shall maintain a reasonable and safe following distance.
- (6) The intentional ramming, striking, or boxing-in of a vehicle or vessel is prohibited unless deadly force is justified.
- (7) Utilizing a Division vehicle as a roadblock for terminating a pursuit is prohibited.

L Termination of Pursuit

- (1) Pursuits may be terminated at any time by the pursuing sworn member, a sworn supervisor, or sworn supervisor of higher rank in accordance with this General Order.
- (2) A sworn member shall terminate pursuit when:
 - (a) Hazards created by the pursuit outweigh the necessity for immediate apprehension.
 - (b) Necessary evidence can be secured, and the violator can be identified for later apprehension and is not a threat to the public.
 - (c) A supervisor has not been contacted and authorized the continuation of the pursuit.
 - (d) A sworn supervisor orders the pursuit terminated.
 - (e) The seriousness of the crime does not warrant the risk to the public, suspect or member.
 - (f) The distance between the pursuit and fleeing conveyance is so great that further pursuit is futile.
 - (g) Contact with the suspect is lost.
 - (h) Continuous radio contact with the communications center cannot be maintained.
- (3) The pursuing sworn member shall inform the communications center when the pursuit has been terminated and shall provide any other information which may assist in apprehending the suspect at a later date.

M Pursuits initiated by other Agencies

- (1) Participation in pursuits initiated by other agencies is prohibited unless directed by a sworn supervisor.

N Traffic Regulation during Pursuits and Emergency Responses

- (1) The sworn member may engage in the following vehicle operations during pursuits and emergency response:
 - (a) Exceed the speed limit but only after weighing the risk of danger to life and property and considering whether such action is safe given road, weather, traffic, time of day, and other environmental conditions.
 - (b) Proceed past a stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation. In every case, the sworn member shall ensure that the flow of cross-traffic has yielded in each lane before attempting to cross that lane.
- (2) The provisions of this General Order shall not relieve the operator of an emergency law enforcement vehicle from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

O Vessel Regulations during Pursuits and Emergency Responses

- (1) The sworn member may engage in the following emergency vessel operations during pursuits:
 - (a) Exceed the posted speed zone limits, or other regulatory zone limits, but only after weighing the risk of danger to life and property and considering whether such action is safe given sea, weather, traffic, time of day, obstructions present on waterways, and other environmental conditions.
 - (b) May deviate from navigation rules after considering the likelihood of injury or damage to life or property and only when it is safe to do so. (see Section 327.33(3)(c), Florida Statutes)

- (2) The provisions of this General Order shall not relieve the operator of an emergency law enforcement vessel from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

P Reporting of Emergency Vehicle or Vessel Pursuits

- (1) After a pursuit, participating sworn members shall complete an Incident Summary Report. The report shall be reviewed by a law enforcement supervisor and submitted to the appropriate Regional Commander for signature. The Incident Summary report shall then be forwarded to the appropriate Deputy Director.
- (2) Annually, the Training Section shall conduct an analysis of pursuits involving members and report to the Director any patterns or trends which may indicate training needs or policy modifications.

4 FORMS

| FORM NUMBER | FORM TITLE |
|-------------|---|
| | Incident Summary Report |
| | Incident Summary Report Narrative |
| | Incident Summary Report Vehicle/ Vessel Information |