



VOLUSIA COUNTY SHERIFF'S OFFICE
Sheriff Ben F. Johnson

Departmental Standards Directive

TITLE: MOTOR VEHICLE APPREHENSION

CODIFIED: 41.2

EFFECTIVE: 10-2011

RESCINDS/AMENDS: 41.2/06-2009

ATTACHMENTS: 1

PURPOSE

The purpose of this Directive is to provide guidelines and delineate responsibilities governing pursuit of motor vehicles.

DISCUSSION

The immediate apprehension of a violator is never more important than the safety of innocent motorists or the Deputy. When it becomes apparent that the immediacy of apprehension is outweighed by a clear and present danger to the Deputy or others, the pursuit shall be abandoned.

The motor vehicle pursuit of suspects who have committed minor property crimes, traffic offenses or misdemeanors is not justifiable. The risks involved far outweigh the need for immediate apprehension. If, however, a suspect used force and/or violence when committing the offense, i.e., robbery, a pursuit may be justified.

For purposes of this Directive, "burglary" is defined as residential, business or commercial and does not include vehicles, outbuildings or curtilages. If there is reason to believe the suspect might kill or injure someone if allowed to escape, then a pursuit may be justified depending on the circumstances involved. If an armed robbery has occurred as the result of a dispute between two individuals who know each other there should be no pursuit, since there is little danger to other citizens. However, an armed robbery to an individual, business or residence presents a clear and present danger; therefore, a pursuit may be justified.

The decision to pursue is not irreversible. Those involved with the pursuit must continually question whether the seriousness of the crime justifies continuing the pursuit. When there is a clear and present danger to the Deputy or others, the pursuit shall be discontinued.

POLICY

It is not the intent of this Directive to prohibit all motor vehicle pursuits; however, it is the intent to restrict motor vehicle pursuits to those situations and circumstances in which the immediate apprehension of the violator outweighs the hazards generated to Deputies, the public, or the occupant(s) of the vehicle being pursued.

In those situations resulting in the initiation of a motor vehicle pursuit, it shall be incumbent upon all involved personnel to exercise prudent independent judgment. These procedures will not relieve deputies from their duty to drive with due care and will not protect them from the consequences of careless disregard for the safety of others.

DEFINITIONS

AUTHORIZED EMERGENCY VEHICLE: - A Volusia County Sheriff's Office vehicle equipped with operable emergency equipment as designated by Standards Directive 41.3, Patrol Operations.

PROCEDURE

PURSUIT CRITERIA

41.2.1 Any Deputy in an authorized emergency vehicle is justified in initiating a motor vehicle pursuit if the Deputy has reason to believe that the suspect has committed a serious felony involving an act of violence or the threat of serious injury or death, and has the apparent capability to carry out said act, i.e., robbery/attempted robbery, aggravated battery, firing into an occupied dwelling, murder, attempted murder, sexual battery, burglary of an occupied dwelling/structure, (excluding curtilage and outbuildings), or arson of an occupied structure.

41.2.2 An aggravated assault on a Deputy by a fleeing suspect, in which a vehicle is used as the weapon, and there is no injury or property damage shall not in itself be considered criteria for initiating a pursuit.

41.2.3 The criminal offense of drug trafficking as defined in F.S. 893.135 is considered a serious felony for which a pursuit may be initiated due to its potentially violent nature and consequences.

PROHIBITED PURSUITS

41.2.4 Deputies shall not pursue or assist in the pursuit of vehicles fleeing from other agencies, unless the above criteria is met and is authorized by a supervisor (Refer to sections 41.2.56 -41.2.62).

41.2.5 Excluding the areas listed in 41.2.1 thru 41.2.3 above, Deputies shall not pursue or assist in the pursuit of motor vehicles for property crime offenses or misdemeanor offenses.

41.2.6 Deputies shall not pursue or assist in the pursuit of motor vehicles if the suspect is identified and there is an expectation of apprehending the suspect within a reasonable amount of time.

TRAFFIC OFFENSES

41.2.7 Deputies shall not pursue or assist in the pursuit of motor vehicles for traffic offenses.

41.2.8 The period of time between observing a traffic violation and when the violator comes to a stop is the "apprehension phase" of the traffic stop. This is different from a pursuit. Although these two activities are worlds apart in importance, the speed and type of driving performed by the Deputy are often similar. It is critical, therefore, that a reasonable limit on speed is maintained as traffic violators are stopped.

41.2.9 The "apprehension phase" of an attempted traffic stop becomes a pursuit whenever the violator knows that a Deputy is signaling him to stop and continues driving or attempts to elude the Deputy. If the violator has knowledge that they are being signaled to stop and speeds up or does anything else to evade the Deputy, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this Directive.

RESPONSIBILITIES

DEPUTIES

41.2.10 Deputies initiating a pursuit shall immediately advise communications of:

- The location
- Direction of travel
- Suspect and suspect vehicle description;
- The crime the suspect is believed to have committed.

41.2.11 When engaged in the emergency operation of a motor vehicle, Deputies shall comply with all Directives concerning vehicle operation (Refer to Standards Directive 41.3 Patrol Operations).

41.2.12 Deputies authorized by a supervisor to conduct a motor vehicle pursuit shall provide the supervisor with all information requested.

41.2.13 All Deputies involved will immediately terminate and disengage from a motor vehicle pursuit when they determine the pursuit is not within the guidelines of this policy or circumstances, as described in 41.2.24-.27, determine that course of action or when ordered to do so by the supervisor in charge.

COMMUNICATIONS CENTER

41.2.14 Upon notification of a pursuit in progress, the Communications Center shall initiate proper procedures in accordance with appropriate "Call Handling Guides", and will immediately notify the appropriate Shift Supervisor, Air-1, and K-9.

41.2.15 Communications shall monitor the pursuit and provide communications assistance to those involved.

SUPERVISOR

41.2.16 The supervisor will take command of the pursuit and shall maintain command unless formally relieved.

41.2.17 A pursuit entering into another District will continue to be commanded by the supervisor authorizing the pursuit.

41.2.18 The supervisor will solicit and consider the information available to them and advise the Deputy who initiated the pursuit to continue or disengage.

41.2.19 The supervisor will monitor the pursuit and direct additional assistance as required.

41.2.20 Factors in the decision to assign additional assistance include, but are not limited to:

- The nature and circumstances of the offense
- The number of suspects
- The number of Deputies in the assigned and backup/secondary vehicle.

41.2.21 It is the responsibility of the supervisor to coordinate pursuits entering neighboring jurisdictions.

41.2.22 If the vehicle being pursued leaves Volusia County, the supervisor in charge shall request that the County being entered assume command of the pursuit. Units of this Department will act as support units.

41.2.23 If the County being entered does not assume command, the supervisor will request that agency provide support units.

DECISION TO INITIATE OR DISCONTINUE

41.2.24 Before initiating a pursuit, Deputies shall evaluate the circumstances and make the decision to pursue in accordance with this Directive and the Vehicle Apprehension Decision-Making Matrix (see Attachment A).

41.2.25 Factors to be considered include, but are not limited to:

- Pedestrian and/or vehicular traffic
- Weather conditions
- Visibility
- Road conditions
- The type of unit being operated by the Deputy at the time of pursuit
- The nature and circumstances of the offense
- When the offense occurred. A pursuit for an in-progress crime may be more readily justified than one for a crime that occurred earlier in the shift.
- The identification of the vehicle and/or occupant, as well as the appropriateness and probability of apprehension at a later date.
- Type of neighborhood such as residential or school zone
- Manner in which the fleeing vehicle is being operated

41.2.26 The initiating Deputy and the authorizing supervisor shall continuously evaluate the circumstances, factors and conditions during the pursuit. Whenever one of these factors changes the decision to continue the pursuit shall be reevaluated.

41.2.27 Under extreme circumstances in which the fleeing vehicle creates a greater danger to the public than does a pursuing sheriff/police vehicle with clearly visible lights warning the public of impending danger, a pursuit may be authorized. If authorized under these circumstances, the approving supervisor will clearly and expeditiously articulate the need for the pursuit in written form for the Sheriff.

CONDUCTING THE PURSUIT

41.2.28 Only two Department vehicles are authorized to actively pursue; the primary vehicle and the backup/secondary vehicle. Under exigent circumstances involving a violent felony, the pursuit supervisor may authorize additional backup units or elevate existing support unit personnel to engage in the pursuit in order to safely resolve the incident. Under such circumstances, the supervisor will be required to articulate justification for the additional units within the pursuit report.

[Exception: When planning a PIT maneuver, the required and authorized number of agency vehicles shall be three (3)].

PRIMARY UNIT

41.2.29 The primary pursuit vehicle will handle all communications relating to direction of travel, suspects, descriptions and all matters relating to the actual pursuit, until the arrival of a backup/secondary unit or an aviation unit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Communications Center.

41.2.30 The primary unit shall not be passed during the pursuit unless authorized by the primary pursuit Deputy and/or the supervisor in charge.

41.2.31 Unmarked units and motorcycle units may pursue motor vehicles as a primary unit only until the arrival of a marked unit.

41.2.32 The motorcycle or unmarked vehicle will continue as the secondary unit until an additional marked unit arrives. Upon the arrival of the marked unit, the operator of the unmarked vehicle or motorcycle shall terminate their active involvement in the pursuit.

AVIATION UNIT

41.2.33 When an aviation unit arrives, it shall become the primary pursuit unit. The primary patrol unit and the secondary unit shall discontinue communications, decrease speeds and follow at a safe distance.

41.2.34 The aviation unit will advise the supervisor in charge of the direction of travel and other pertinent information, i.e., potential hazards or possible apprehension sites.

SECONDARY UNITS

41.2.35 The secondary unit is authorized to pursue at a safe distance for back-up and communication purposes.

41.2.36 Upon the secondary unit entering the pursuit, the secondary unit shall become responsible for handling all communications relating to direction of travel, suspects descriptions and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Communications Center.

SUPPORT UNIT PERSONNEL

41.2.37 Deputies not directly involved in the pursuit that are responding and being coordinated as additional support will drive their vehicles in a safe and prudent manner.

41.2.38 Support units may be assigned active roles including but not limited to, paralleling the pursuit, being assigned to potential termination locations, and transferring equipment or personnel.

41.2.39 Emergency operation is authorized to intercept, not overtake, the fleeing vehicle for the purpose of deploying Stop-Sticks.

PROHIBITED DRIVING

41.2.40 Primary and secondary units shall not drive parallel to each other during the pursuit, except during an authorized pass.

41.2.41 Deputies shall not drive on the wrong side of any divided highway, interstate, or other controlled access highway, including on/off ramps.

41.2.42 While pursuing, Deputies shall not conduct rolling roadblocks, ram the suspect's vehicle or discharge firearms at a fleeing vehicle except in extreme cases where deadly force is justified and the Deputy has received specific training for this exception. This does not prohibit the blocking of a vehicle when said vehicle is attempting to turn around or is taking some other action at very slow speeds attempting to avoid capture. Under these circumstances, eminent danger to the public and/or the deputy(ies) outweighs the minimal risks involved in blocking and does not constitute a roadblock or ramming as defined in this policy.

41.2.43 Roadblocks shall be prohibited unless authorized by a patrol supervisor in accordance with Directive 61.11.

41.2.44 Fleeing vehicles shall not be forcibly stopped, with exception of use of the Stop Stick System, as deployed by properly trained Deputies in accordance with Directive 61.11, and use of the PIT as provided herein and only by those deputies properly trained.

PRECISION IMMOBILIZATION TECHNIQUE (PIT):

41.2.45 Precision Immobilization Technique (PIT) is a moving vehicle tactic that consists of the intentional use of a law enforcement vehicle to make "controlled" contact with a fleeing vehicle using a specific technique designed to force it from its course of travel in order to terminate a pursuit.

41.2.46 A supervisor is encouraged to bring an end to a pursuit as soon after its initiation as practical through the use by involved members of the Precision Immobilization Technique (PIT), when circumstances and conditions dictate, in order to preserve life and protect the public safety.

41.2.47 The preferred manner for intentional physical contact between the vehicle being pursued and an agency vehicle is the PIT, in order to bring about an end to the pursuit.

41.2.48 The supervisor, having considered the circumstances and conditions of the pursuit, shall be responsible for authorizing the pursuing member(s) to utilize PIT under conditions that are in compliance with agency training [placing an emphasis on the speed of the fleeing vehicle being less than forty-five (45) miles per hour] under ideal circumstances.

41.2.49 Supervisors and involved members shall take circumstances into consideration when planning to utilize PIT including, but not limited to, the presence of other vehicles or pedestrians, the width of the roadway, and whether there are deflated tires on the fleeing vehicle or fixed objects present that could limit effectiveness or potentially cause a rollover.

41.2.50 Only Deputies who have demonstrated PIT proficiency after receiving competency-based training from PIT Certified Driving Instructors are authorized to initiate the technique. Prior to initiation, the initiating deputy must communicate their intentions to support units for purposes of coordination.

41.2.51 PIT shall not be utilized as a means to stop fleeing motorcycles or vehicles with an abnormally high center of gravity, such as a recreational four (4)-wheel drive truck/SUV or vehicles with lift kits, unless the seriousness of the offense dictates otherwise, as determined by the pursuit supervisor.

41.2.52 After the PIT scene is stabilized, the supervisor shall ensure that comprehensive photographs are taken of the vehicles at final rest, any roadway evidence (skid, scuff, or yaw marks), vehicles after they are moved from all directions, and the overall scene. Digital images shall be submitted with the supervisor's pursuit report.

41.2.53 Trained deputies operating sport utility vehicles, pickup trucks or similar vehicles may only use the technique with extreme caution and only under those conditions when it can be applied with relative safety to the deputy, suspect and innocent parties.

41.2.54 Any use of PIT requires a pursuit report, supervisory investigation and review as outlined herein under REPORT AND REVIEW PROCESS.

TERMINATING THE PURSUIT

41.2.55 When there is a clear and present danger to the Deputy or other users of the highway, the pursuit shall not be initiated. If the pursuit is in progress it shall be discontinued.

41.2.56 The initiating Deputy or the authorizing Supervisor is justified in terminating the pursuit if, based on his judgment, the danger to Deputies and the public outweighs the need to stop the fleeing vehicle.

41.2.57 When a Deputy discontinues a pursuit he shall immediately notify Central Communications.

41.2.58 Once a pursuit has been terminated, Deputies shall deactivate all emergency equipment and resume driving in compliance with all applicable traffic laws. Deputies may continue following the suspect vehicle route as long as they do so within the speed limit and obey all stop signs, traffic lights and other traffic control devices.

OTHER AGENCY ASSISTANCE

41.2.59 Supervisors may authorize assistance to other agencies conducting vehicle pursuits; however, the pursuit of vehicles fleeing from other agencies shall not be authorized unless it meets the criteria established in this directive.

41.2.60 When a pursuit involves other agencies, the following procedures apply:

- The supervisor shall ensure the notification of the agency into which the pursuit is entering.
- Unless otherwise advised, units involved will remain on their assigned frequencies.
- The supervisor will provide pertinent information to the agency into whose jurisdiction the pursuit is entering or has entered.
- The Communications Center shall relay all decisions relating to pursuit information, (radio frequencies, location, direction of travel, reason for the pursuit, speed, description and other pertinent information) to affected agencies.

41.2.61 The authority to discontinue an inter-jurisdictional pursuit rests with the supervisor authorizing the pursuit;

41.2.62 Unmarked vehicles shall not be used in pursuits into other jurisdictions;

41.2.63 The agency initiating the pursuit is responsible for the arrest, booking, disposition and coordination of all reports, citations and criminal charges.

41.2.64 No more than three (3) vehicles (2 VCSO, 1 other agency) shall be involved in the actual pursuit at any given time unless specifically authorized by the pursuit supervisor.

41.2.65 Motorcycle units shall immediately withdraw from the active pursuit, upon the arrival of a marked patrol unit.

TRAINING

41.2.66 No Deputy shall participate in a pursuit until successfully completing a VCSO approved Emergency Vehicle Operations Course (EVOC).

41.2.67 No Deputy shall engage in PIT maneuvers until successfully completing VCSO approved PIT training.

41.2.68 No Deputy shall engage in the deployment of the Stop Sticks System unless properly trained in accordance with Directive 61.11.

REPORT AND REVIEW PROCESS

41.2.69 Immediately following a pursuit (including assistance to other agencies), all Deputies involved in the pursuit shall file a written report.

41.2.70 The primary deputy shall initiate the original report with all others filing supplements.

41.2.71 Each report will contain an account of the Deputies' involvement in the pursuit.

41.2.72 A supervisory investigation will be conducted, documented and forwarded along with a copy of the Deputy's report to the Internal Affairs Unit, which shall present the incident to the Sheriff's Staff for review.

41.2.73 An administrative review of all pursuits, including assisting other agencies, shall be conducted by the Sheriff's Staff during the Sheriff's weekly staff meeting.

41.2.74 The review shall be documented and will indicate whether policy, training issues, equipment or disciplinary issues should be addressed.

41.2.75 Copies of all pursuit reports and the results of the administrative review shall be forwarded to the Professional Standards Section by Internal Affairs.

41.2.76 The Professional Standards Section shall conduct a documented analysis of all pursuits annually.

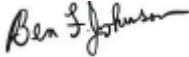
ATTACHMENTS

ATTACHMENT A: Vehicle Apprehension Decision-Making Matrix

Revised by: 6760

Revised on: 08-2011

Approved:



Ben F. Johnson
Sheriff, Volusia County

VEHICLE APPREHENSION DECISION-MAKING MATRIX

Degree of Seriousness ↓	Decision Threshold		Decision Threshold	
	Low Risk	Moderate Risk	High Risk	
Felony Violent Crime	May pursue; continue to assess risks.	May pursue; continue to assess risks.	May pursue; continue to assess risks.	
Felony Burglary or Arson of Occupied Structure	May pursue; continue to assess risks.	May pursue; continue to assess risks.	Do Not Pursue, or discontinue.	
Felony Burglary or Arson of Structure	Do Not Pursue	Do Not Pursue	Do Not Pursue	
All Felony Property Crimes (except as noted above)	Do Not Pursue	Do Not Pursue	Do Not Pursue	
All Misdemeanors & Traffic Offenses	Do Not Pursue	Do Not Pursue	Do Not Pursue	
<p>Definitions:</p> <p>Felony-Violent Crime: a “persons” crime in which the perpetrator and victim come face to face. (Examples: Homicide, Robbery, Sexual Battery, etc.)</p> <p>Felony-Property Crime: a “property” crime, i.e., Burglary (involving curtilage or outbuilding), Theft, Forgery, etc.</p> <p>Tactical Parking: The practice of moving close to a stationary suspect’s vehicle and parking in a manner that will allow no way to escape.</p>				

The Vehicle Apprehension Decision-Making Matrix balances safety and risk with the need for apprehension and seriousness of the offense. In keeping with professional policing and the directions being taken by the Courts, safety considerations must outweigh considerations for apprehension. This means that when the risk and danger to bystanders and innocent third parties are high, the vehicle apprehension must be terminated despite the heinousness of the offense or the violence associated with the act committed by the fleeing subject. To fail to make this decision would be unreasonable, and that is the test applied by the Courts. Furthermore, Courts in some states have denied immunity to officers, indicated that officers had a duty to terminate vehicle apprehensions because of safety considerations, and that officers were at least partially the cause of any injuries that occurred during the vehicle apprehension (City of Pinellas Parks vs. Brown 17FLW530).

A tactic available to avoid, or minimize, vehicle apprehensions is the use of “Tactical Parking”. This tactic permits containment of the suspect vehicle and the prevention of a vehicle apprehension. The “Tactical Parking” technique may occasionally result in damage to an agency vehicle. This damage is preferable to the potential death or serious injury which can result from a vehicle apprehension.

Agency issued “Stop Sticks” are vehicle immobilization devices designed to puncture vehicle tires through the use of sleeved pikes causing rapid deflation of the tire(s). The device is deployed in the path of the pursued vehicle by agency personnel. When utilized, agency personnel shall notify the Communications dispatcher of the location of the deployment. The deployment location will be broadcast to all vehicles/agencies involved in the vehicle apprehension. “Stop Sticks” may also be used during vehicle stakeouts to reduce the possibility of a vehicle apprehension. When used in this manner, the “Stop Stick” should be placed in a manner to ensure the vehicle is disabled in the event the vehicle is moved.

Objective Risk Factors in Vehicle Apprehensions:

When making the decision to pursue, no single factor should be used to evaluate the risk category. Multiple factors should be taken into consideration.

<u>LOW RISK</u>	<u>MODERATE RISK</u>	<u>HIGH RISK</u>
<ol style="list-style-type: none"> 1. Straight road, good surface, clear lines of sight., few intersections 2. Good weather 3. Few or no pedestrians 4. Little to no traffic 5. Speeds safe for conditions 6. No hazardous maneuvers by violator 7. Authorized number of law enforcement vehicles involved in the apprehension 8. Deputy calm, in full control 9. Helicopter involved 10. DUI type driving patterns 	<ol style="list-style-type: none"> 1. Some intersecting streets (i.e., residential area) 2. Mild weather 3. Light pedestrian traffic 4. Moderate traffic, little congestion 5. Speeds greater than the posted limit 6. Some hazardous, but not extreme, maneuvers (i.e., crossing center line to pass other vehicles, sudden lane changes) by the violator 7. Authorized number of law enforcement vehicles involved in the apprehension 8. Deputy generally calm, under control 	<ol style="list-style-type: none"> 1. Frequent intersecting streets (i.e., business district) blind curves, narrow roads 2. Poor weather, slippery streets, low visibility 3. Numerous pedestrians 4. Heavy, congested traffic 5. Speeds twice the posted limit, or greater than 80 MPH 6. Extremely hazardous maneuvers (i.e., driving against on-coming traffic, "busting" red lights) by the violator 7. Numerous law enforcement vehicles involved in the apprehension 8. Deputy excited, not in full control of emotions 9. Special circumstances, i.e., School District