

**Boynton Beach Police Department**  
**Vehicular Pursuit and Apprehension**



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<b>Joseph DeGiulio Chief of Police</b>	The original signed copy of this directive is on file in the Professional Standards Office



**Related References/Accreditation Standards: CFA 18.14**

**Related Policies/ Procedures:**

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### **I. PURPOSE**

The purpose of this procedure is to establish the guidelines for vehicle apprehensions, pursuits and/or instances where a vehicle fails to stop. When engaging in a vehicle pursuit, sworn personnel will always consider the safety of the public. These procedures will not relieve an officer from their duty to drive with due regard for the safety of all persons, and will not protect them from the consequences of any reckless disregard for the safety of others.

### **II. DEFINITIONS**

*Vehicle Pursuit:* An active and continuing effort by an officer in an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle, provided the driver of such vehicle who is or should be aware of the attempt being made, increases his/her speed, takes other evasive actions, or refuses to stop in an apparent attempt to avoid apprehension.

*Fail to Stop:* The act of a vehicle that refuses to stop for a police vehicle who has its emergency equipment (lights and sirens) activated.

*Primary Pursuit Unit:* Generally, the unit which initiates the pursuit.

*Secondary Pursuit Unit:* The emergency unit which trails the primary pursuit unit at a safe distance and is available to assume the primary role or assist the primary unit if the fleeing vehicle is stopped.

*Moving Roadblock/Boxing In:* The surrounding of a violator's vehicle by pursuing law enforcement vehicles which are then slowed to stop the violator's vehicle.

*Stationary Roadblock:* A barricade or other obstruction set up to stop or prevent the escape of a fleeing vehicle.

*Ramming:* The deliberate act of impacting a violator's vehicle for the purpose of disabling or forcing the violator's vehicle to stop.

*Paralleling:* A tactic where an emergency vehicle follows the course of the pursuit in an emergency mode, on streets parallel to the actual pursuit.

*Pursuit Intervention Technique (PIT):* The intentional act of using an authorized emergency vehicle to physically force a fleeing vehicle from its course of travel in order to stop it.

*Tire Deflation Device:* Commonly referred to as a "stop stick," this device is designed to disable vehicle tires through slow and controlled deflation.

### **III. PURSUIT POLICY**

The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. The pursuit must be conducted in a non-reckless manner with emphasis on the safety of the public, human rights and the property of others.

Vehicular pursuits will be initiated only if the officer reasonably believes that the person(s) fleeing has committed a forcible felony defined as:

- A. Murder (as defined in FS 782);
- B. Manslaughter (as defined in FS 782);
- C. Sexual Battery (as defined in FS 794);
- D. Carjacking (as defined in FS 812);
- E. Home Invasion Robbery (as defined in FS 812);
- F. Robbery (as defined in FS 812);
- G. Arson (as defined in FS 806);
- H. Kidnapping (as defined in FS 787);
- I. Serious Aggravated Assault/Battery (as defined in FS 784); and/or
- J. Discharging of a Destructive Device or Bomb (as defined in FS 790).

Any pursuit must be conducted in accordance with this directive and only those officers who have received instructional training in the vehicle pursuit policy will engage in a vehicular pursuit.

Officers will not intentionally place themselves in the path of a fleeing vehicle. An officer's perceived attempt by a suspect to direct their vehicle at an officer (i.e. attempt ramming) where no contact is made, shall not serve as the sole basis for the initiation or continuation of a vehicle pursuit.

### **IV. AUTHORIZED PURSUIT VEHICLES**

- A. **Marked Patrol Vehicles** -Marked patrol vehicles equipped with sirens and emergency lights may engage in pursuits of fleeing vehicles in accordance with agency policy.
- B. **Unmarked Vehicles** -The department recognizes that officers operating unmarked vehicles may occasionally come upon the commission of a crime in progress or may locate a suspect leaving the scene of an incident. Officers operating unmarked vehicles shall take advantage of their concealed identity and follow a suspect vehicle in an effort to collect information for marked units responding to the area. Should a suspect appear to become aware of the presence of the unmarked vehicle prior to the arrival of marked units, the unmarked vehicle may temporarily pursue a vehicle that meets

the requirements of this policy. The unmarked vehicle shall yield to the first marked vehicle to arrive, at which time they will become the secondary pursuit vehicle. Upon the arrival of a second marked unit, the unmarked unit shall terminate their involvement in the pursuit and resume normal vehicle operations.

- C. **Motorcycles** – Members who operate motorcycles are not authorized to engage in vehicle pursuits.
- D. **Watercraft** – Members who have been sanctioned in operating a departmental vessel are authorized to pursue fleeing watercraft provided they follow the same criteria for a vehicular pursuit.
- E. **Special Purpose Vehicles** – Members of the department operate a variety of special purpose vehicles. Vehicles such as vans, armored personnel carriers, and other non-pursuit rated vehicles are not authorized to engage in vehicle pursuits.

## V. TRAFFIC LAW EXEMPTIONS

- A. The exemptions from complying with traffic laws granted to emergency vehicles are delineated in FSS 316.072 and 316.126 (3).
- B. FSS 316.072 (5) authorizes emergency vehicles to:
  1. Proceed through a red signal or stop sign, but only after slowing down as may be necessary for safe operation.
  2. Exceed the maximum speed limits so long as the driver does not endanger life or property
  3. Disregard regulations governing direction, movement or turning, so long as the driver does not endanger life or property.
  4. These provisions do not relieve the officer of the duty to drive with due regard for the safety of all persons and will not serve as protection from the consequences of any reckless disregard for public safety.

## VI. PURSUIT SAFETY CONSIDERATIONS

- A. The following factors shall be considered by all units involved in the pursuit, supervisors and commanders when determining whether any pursuits should be initiated, continued or terminated:
  1. The seriousness of the originating offense and the risk to community safety that would result if the perpetrator is not immediately apprehended;
  2. Safety of the public in the area of the pursuit;
  3. Safety of pursuing officer(s);
  4. Time of day;
  5. Volume of vehicular traffic;
  6. Volume of pedestrian traffic;
  7. Location of pursuit (residential streets or highway);
  8. Weather conditions;
  9. Road conditions;
  10. Familiarity of officers and supervisors with the area of the pursuit;
  11. Speeds involved;
  12. Quality of radio communications between pursuing unit(s), the dispatcher and supervisor;
  13. Type of road;
  14. Whether the suspect being pursued is readily identifiable or subject to capture at another time or by another means; and/or
  15. Officers' training and/or experience in pursuit driving, along with the condition and performance capabilities of the pursuit vehicles.
- B. Officers engaged in a pursuit have an obligation to keep supervisors, communication personnel and fellow officer apprised of the above-mentioned factors and their observations during a pursuit. For example, communicating to others that the driver of a fleeing vehicle is repeatedly disregarding traffic control devices could enhance the safety of other units in the area. This information is needed and valuable to supervisory personnel charged with overseeing the pursuit.
- C. The continuation of a pursuit in which a fleeing vehicle refuses to stop will be evaluated continuously by the appropriate supervisor.

## VII. FAILURE TO STOP- COMMUNICATIONS

When a vehicle has failed to stop and a decision is made not to pursue, the initiating officers will:

- A. Advise when they have deactivated their emergency equipment and resumed normal vehicle operations.
- B. Advise that the vehicle has failed to stop and its last known direction of travel.
- C. Provide a description of the vehicle, its occupants, tag number and the reason for the stop.
- D. Notify a supervisor of the failure to stop.

## VIII. PURSUIT COMMUNICATIONS

### A. Primary Pursuing Officer's Responsibilities:

1. When a sworn member initiates a vehicle pursuit, they shall immediately activate all emergency equipment, their Body Worn Camera (BWC), any In-car video, make radio contact with communications and relay the following information:
  - a. Unit identification (call sign)
  - b. Exact location and direction of travel
  - c. Suspect vehicle description, year make, model and color, if known;
  - d. Tag number and state, if known;
  - e. Number of occupants in suspect vehicle, race, sex, and age, if possible; and
  - f. Reason for pursuing the vehicle
2. Update Communications and evaluate all factors to continue or discontinue the vehicle pursuit.
  - a. When actively involved in a vehicle pursuit and a secondary unit is not yet involved update to communication shall be the responsibility of the primary unit.
  - b. Once a second unit becomes involved, they shall assume communications responsibilities.
3. Assume responsibility for completion of applicable reports stemming from the vehicle pursuit.
4. Request both air support and K-9 assistance when appropriate.

### B. Secondary pursuing Officer's Responsibilities:

1. Handle all ongoing communications via radio relating to direction(s) of travel, additional suspect description(s), and all matters relating to the actual vehicle pursuit. This shall not restrict the supervisor from giving instructions or other information directly to any vehicle(s) involved or to Communications.
2. Assist the primary pursuit vehicle as necessary.
3. Update Communications and evaluate all factors to continue to discontinue the vehicle pursuit on the radio.

### C. Communications Responsibilities:

1. The dispatcher will immediately notify the appropriate supervisor and Communications Supervisor, who will monitor the pursuit.
2. The dispatcher is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place.
3. The dispatcher will attempt to obtain any available information concerning the identity of the vehicle/occupants in the vehicle being pursued and the reason for the pursuit.
4. If it appears that a pursuit has the potential to cross another jurisdiction, the affected Police Department and/or Sheriff's Office shall be promptly notified by the Communication Supervisor and given all available data regarding the pursuit.
5. Shall facilitate the request of any assistance from other law enforcement agencies.

### D. Supervisor Responsibilities:

1. Shall identify themselves to the dispatcher via radio and monitor the vehicle pursuit.
2. Shall actively monitor and immediately terminate a pursuit that does not comply with policy.
3. Shall approve, if acceptable, all vehicle pursuit tactics.
4. May authorize additional pursuit units if there are factors that require an increased police response (i.e. number of suspects, seriousness of crime, public safety).

### E. Communication Conduct during pursuit:

During a pursuit, effective communication between the pursuing unit(s), the dispatcher, the appropriate supervisor, and other units are essential. The pursuing officer(s) shall:

1. Maintain radio contact with the dispatcher;
2. Keep radio transmission as brief as possible;
3. Keep radio transmission pertinent to the pursuit and update locations and advise of any changes in direction;
4. If a pursuit is terminated for any reason, provide the location where the vehicle was last seen, its speed, and last direction of travel;
5. If communication is lost between the primary unit and the communication center or supervisor, the pursuit will be terminated by the pursuing officer.

## **IX. FAILURE TO STOP- TACTICS**

- A. Once a vehicle has taken flight and a decision is made not to pursue, officers will not re-attempt a traffic stop of the same vehicle unless a pursuit is justified by policy.
- B. Once a decision has been made not to pursue a vehicle that has failed to stop, all units will deactivate their emergency equipment and resume normal driving operations. Units will not continue to “shadow”, “monitor”, “track”, “follow” or “parallel” the fleeing vehicle that has failed to stop.

## **X. PURSUITS TACTICS**

- A. The initial pursuing police 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 primary pursuit unit or supervisor may request additional vehicles to assist. 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. Sirens and emergency lights shall be used throughout the pursuit by all units involved in the pursuit.
- B. Only when approved by the Watch Commander, may the number of units involved in a vehicle pursuit be increased beyond two units.
- C. Paralleling: Units directed by a supervisor to parallel the pursuit will operate in an emergency (i.e. sirens and emergency lights) mode.

## **XI. PURSUIT TERMINATION**

- A. 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 or she reasonably believes the risks associated with the continued pursuit are greater than the public safety benefit of making an immediate apprehension.
- B. The pursuit may be terminated by the primary pursuit unit at any time.
- C. A supervisor may order the termination of a pursuit at any time.
- D. A pursuit will be terminated if the suspect's identity has been determined and immediate apprehension is not necessary to protect the public or officers, and apprehension at a later date is feasible.
- E. Vehicular pursuits will end at the Palm Beach County Boundaries unless continued by a supervisor or higher authority. The supervisory will request that Communications notify the jurisdiction into which a pursuit proceeds or is expected to proceed.
- F. If the pursuing officer loses communication with the dispatcher or supervisor, the officer will terminate the pursuit.
- G. Units shall not pursue a suspect vehicle the wrong way on a limited-access roadway or the wrong way on a one-way street, unless authorized by a watch commander or higher.
- H. Officer shall not deactivate their in-car camera or BWC, until after the above actions are taken. Once a pursuit has been terminated, all units will deactivate their emergency equipment and resume normal driving operations. Units will not continue to “shadow”, “monitor”, “track”, “follow” or “parallel” the fleeing vehicle once a pursuit has been terminated.
- I. There will be no attempt to stop a vehicle after a pursuit has been terminated without the approval of the watch commander.

## **XII. PURSUITS ENTERING ANOTHER JURISDICTION**

- A. The pursuing officer will notify communications when it is likely that a pursuit will continues into a neighboring jurisdiction. Communications will notify the jurisdiction and provide the following information:

1. Vehicle and suspect descriptions;
  2. Details of the charges; and/or
  3. Any available data on the vehicle pursuit, such as length, speeds, and suspect's driving skills displayed.
- B. The jurisdiction into which the vehicle is traveling is responsible for determining if they will assist with the pursuit.
- C. In the event that a pursuit proceeds into an adjoining jurisdiction and that jurisdiction joins the pursuit, the primary unit will revert to the backup unit.

### **XIII. PURSUITS FROM ANOTHER JURISDICTION ENTERING BONYTON BEACH**

- A. When a pursuit enters our jurisdiction from another, the actions of our personnel shall be governed by this policy irrespective of the guidelines which dictate the actions of the pursuing officers employed by another agency.
- B. The decision to join a pursuit, initiated from another jurisdiction will be made by the shift supervisor or higher authority. Reasonable efforts should be made to ascertain as much information about the pursuit as possible prior to authorizing our personnel to engage. Factors to consider include the reason for the pursuit, the number of police vehicle engaged, traffic conditions...etc.

### **XIV. AFTER ACTION REPORTING**

- A. Fail to Stop
  1. When a vehicle has failed to stop and no pursuit is initiated, the involved officer will notify a supervisor and initiate a Fail to Stop entry in Blue Team. The supervisor will ensure the entry is completed.
  2. The reviewing supervisor will ensure the following items are attached in Blue Team:
    - a. The officer's police report for the incident and any supplements (may serve as narrative for incident)
    - b. BWC for all involved officers
    - c. In-car video for all involved officers
    - d. Automated Vehicle locator information for the involved units
  3. The supervisor will submit a request to preserve the radio traffic for the incident in the event its later review is required.
  4. The supervisor will review the incident to ensure it meets the criteria for a Failure to Stop and complies with policy. If it is found that a vehicle pursuit has occurred, it will be reclassified and reviewed in Blue Team as a vehicle pursuit.
- B. Vehicle Pursuits
  1. Whenever an officer engages in a pursuit, the appropriate supervisor shall ensure that a Blue Team report is generated detailing the circumstances of the incident, which shall be reviewed by the supervisor. In many cases, this documentation can be sufficiently articulated in the pursuing officer's crime report.

Documentation may include but is not limited to:

- a. Name(s) of pursuing officers and supervisors involved;
- b. Reason for the pursuit;
- c. Place of origin;
- d. Route of travel;
- e. Length of pursuit (in distance and time)
- f. Point of termination
- g. Suspect's name, if apprehended;
- h. Injuries and/or damage that occurred as a result of the pursuit; and
- i. Any noteworthy data or findings

Some instances in which supervisors shall generate an S.I.R. include: a pursuit which extends outside of our jurisdiction or involves either injury or property damage. Shift commanders are implored to use their judgement in this regard on a case by case basis.

- C. An appropriate supervisor shall respond to the scene of all terminated pursuits when forcible stop techniques are applied, a traffic crash occurs, or an arrest is made.
- D. The reviewing supervisor will ensure the following items are attached in Blue Team:
  1. The officer's police report for the incident and any supplements (may serve as narrative

- for incident)
2. BWC for all involved officers
  3. In-car video for all involved officers
  4. Automated Vehicle locator information for the involved units
  5. The main dispatch audio recording for the pursuit
  6. Any information that was relied upon as justification by the officer to initiate the pursuit.

#### **XV. REQUESTS FOR AVIATION UNIT ASSISTANCE (IF APPLICABLE)**

- A. Whenever a pursuit takes place during the operations hours of the aviation unit, a request shall be promptly made by a shift supervisor, through the Communications Supervisor for the aviation unit's assistance, especially if it appears that the pursuit may be of an extended nature.
- B. Once the aviation unit identifies the pursued vehicle, ground units may drop back while continuing the pursuit. The aviation unit shall continue the pursuit and may take over the communication responsibility as the primary officer.

#### **XVI. OTHER METHODS USED TO APPREHEND FLEEING VEHICLES**

- A. The use of deflating devices such as Stop Stick is authorized under the following circumstances and conditions:
  1. Utilization must be authorized by a supervisor.
  2. Only trained in their use may deploy the device.
  3. To prevent or stop a forcible felony as defined in Section III of this policy.
  4. Stop sticks may only be used on vehicles with four or more wheels.
- B. The use of moving Road-Blocks (Boxing in) is NOT authorized.
- C. The use of Pursuit Intervention Technique (P.I.T.) is NOT authorized
- D. The use of stationary Road-Blocks:

Stationary road blocks may be utilized to divert forcible felony suspects from congested or more populated areas so long as the fleeing vehicle has been afforded an avenue of escape. The establishment of a road-block must be under the supervision of a supervisor and manned by a sufficient number of personnel to ensure the safety of police and civilian personnel. Only a stationary vehicle, linear configuration road-block will be utilized and only on municipal roadways, or interstate entrance and exit ramps. Road-blocks will not be established in a location where a vehicle trying to elude or defeat the road-block would endanger others. The coordinating supervisor will be in command of the road-block.

- E. The Use of Ramming:

No member of the department shall intentionally ram a fleeing vehicle unless the use of deadly force is authorized and there is a reasonable expectation that the act will not result in injury to innocent bystanders.

#### **XVII. TRAINING**

All newly hired sworn members shall receive initial training on this policy. Additionally, all sworn members shall receive Emergency Vehicle Operations training periodically as part of their in-service training.