

WEST PALM BEACH POLICE DEPARTMENT

III-25 VEHICLE PURSUITS

EFFECTIVE: 04/15/2008

CALEA Standards: 41.2.2, 41.2.3, 61.3.4

CFA Standards: 17.07, 17.08, 22.04

I. POLICY: The West Palm Beach Police Department has specific guidelines for the pursuit of motor vehicles and specifies when an officer and/or supervisor should initiate or terminate a vehicle pursuit and the responsibilities of the initiating officer, the supervisor, the dispatcher and any other involved police vehicles. The guidelines are intended to guide the officers in the safe and reasonable performance of their duties. The exemptions from certain traffic laws granted to police officers who are engaged in emergency vehicle operations are provided to assist them to save lives rather than to place them at risk.

II. DEFINITION:

A. Pursuit - An active attempt by an officer, in an authorized emergency vehicle, to apprehend the occupant(s) of a motor vehicle while the driver is attempting to avoid apprehension by using high speed driving or other evasive maneuvers.

B. Forcible Felony: (FSS776.08) treason; murder; manslaughter; sexual battery; carjacking; home-invasion; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

III. DECISION TO PURSUE:

A. Marked Vehicle Guidelines:

1. A police officer has the authority to stop any person suspected of having committed any criminal offense or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officer must evaluate the circumstances when making a decision to pursue and be aware of the degree of risk to which the law enforcement officer exposes himself or herself and others. The officer must weigh the need for immediate apprehension against the risk created by the pursuit.

B. Authorization to Pursue:

1. A police officer may pursue only:

- a. when the officer has probable cause to believe that the violator has committed a Forcible Felony, or;
- b. when a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.

2. Pursuit for motor vehicle offenses or traffic violations is not authorized under the above criteria unless the violator's vehicle is being operated so as to pose an immediate threat to the safety of another person.

C. In the event that one of the authorization requirements is satisfied, a pursuit should not automatically be undertaken. An officer must still consider the following factors:

1. The likelihood of successful apprehension.
2. Whether the identity of the violator is known to the point where later apprehension is possible.

3. The degree of risk created by the pursuit considering such factors as:
 - a. Volume, type, speed and direction of vehicular traffic.
 - b. Nature of the area: residential, commercial, a school zone, open highways, etc.
 - c. Population density and volume of pedestrian traffic.
 - d. Environmental factors such as weather and darkness.
 - e. Road conditions: construction, poor repairs, extreme curves, wet roads, etc.

4. Police Officer Characteristics:

- a. Driving skills,
- b. Familiarity with roads, and
- c. Condition of the police vehicle.

D. All other pursuits are prohibited.

IV. NOTIFICATION OF PURSUIT:

A. Initiating Officer Responsibility:

1. When an officer initiates a pursuit, he or she will immediately activate all emergency and MVR equipment, make radio contact with the dispatcher and the field supervisor, and communicate the following information:

- a. Unit identification (call sign);
- b. Exact location and direction of travel;
- c. Pursued vehicle description - year; make, model, and color if known;
- d. Tag number and state if known;
- e. Reason for pursuing (offense); and
- f. Number of occupants in the pursued vehicle with the race, gender and age, if possible.

2. Radio contact must be maintained to provide continuous updated information to Dispatch Operations and other involved units as to the location and direction of travel of the pursued vehicle.

B. Dispatcher's Responsibility:

1. Upon notification by an officer of a pursuit, the dispatcher will broadcast the following:

- a. Emergency traffic only on the frequency being used by the initiating officer. All frequencies will be notified by simulcast.
- b. Identify the unit in pursuit and relay information given by the pursuing unit.
- c. The dispatcher will initially assign the closest unit to assist in the pursuit. The field supervisor may modify the assignments based on relative circumstances. Only assigned units may participate in the pursuit.
- d. Dispatch Operations will then remain off the air except to relay information relating to changes in the situation and/or officer's safety.

C. Secondary Unit's Responsibility:

1. The second car joining in the pursuit will immediately notify Dispatch Operations that there are two (2) police vehicles in pursuit. The second unit may assume radio responsibilities, allowing the primary unit to concentrate on driving. The second unit will assist at the end of the pursuit. Dispatch Operations will broadcast that two (2) units are in pursuit and identify those units. All other units should remain on patrol, but stay alert to the direction of travel in case help is needed.

2. Active Pursuit Units- The primary and second car joining in the pursuit (the support unit) will be the only two police vehicles actively involved in the pursuit unless the supervisor controlling the operation specifically requests more assistance. The request for more assistance will be determined by;

- a. The nature of the offense;
- b. The number of suspects;
- c. Whether the participating units have more than one officer per vehicle; and
- d. Other clear and articulated facts that would warrant the additional units.

3. Any available K-9 Units may be notified. The K-9 unit will be in addition to the pursuing vehicles. If the subject(s) exit the vehicle, the K-9 Officer will pursue on foot and the other arriving officers will assist in establishing a perimeter.

VII. SUPERVISOR RESPONSIBILITIES:

A. The supervisor of the initiating unit must ensure:

1. That the authorized number of units are in pursuit and determine if more or less units are necessary,
2. Aircraft has been requested, if applicable, and
3. The proper radio frequency is being used.

B. The supervisor may terminate the pursuit if, in the supervisor's opinion, a serious hazard is present to the public and/or pursuing officers.

C. The appropriate supervisor will respond immediately to the location where the pursuit ends and assume command at the scene.

VIII. VEHICLE PURSUIT REVIEW:

A. The supervisory review of the pursuit will be submitted for command approval utilizing the Vehicle Pursuit Summary format (Appendix A). This report will be forwarded to the Shift Commander by the end of the shift. The pursuit summary will include the following:

1. Case number, date, and time of the pursuit;
2. Length of time engaged in pursuit;
3. Distanced traveled;
4. Availability and use of an air unit;
5. Active pursuit units - primary and secondary: name, ID#, radio #, car #; and MVR usage;
6. Assisting units - include supervisors, K-9 units: name ID, radio unit #, car #, and MVR usage;
7. Type of vehicle pursued: auto, truck, motorcycle, or other (describe Aother @ in the narrative);
8. Offender (driver): name, race, sex, DOB, and age;
9. Reason pursuit initiated;
10. Maximum speed of pursuit;

11. How did the pursuit end: aborted, accident occurred, bailout, or surrender.
12. Offender (driver) arrest charges;
13. Injuries: offender, offender=s passengers, officers, or others;
14. Value of property damaged (dollars): suspect vehicle, parked vehicle(s), private property, police vehicle(s), and how this damage was sustained; and
15. Supervisors narrative of pursuit.
16. Copies of all police reports and supplements, accident reports, risk management documentation, communications tape, and any other documentation will be attached to the completed Vehicle Pursuit Summary form.

B. The Shift Commander will review all pursuit summaries and related MVR media and identify in writing subject matter of benefit in training, equipment, tactics and procedure. The Shift Commander, and successive levels of command, will review vehicle pursuits for compliance with Department Policy and Standard Operating Procedures.

C. The original Vehicle Pursuit Summary and supporting documentation will be forwarded to the Internal Affairs Unit Commander for review and data entry for final approval by the Chief of Police. The original report will be maintained in the files of the Internal Affairs Unit. A copy will be forwarded to the Staff Services Division, and Training Unit Sergeant. Vehicle pursuit summaries will be reviewed to identify the need for remedial training of individual officers or specific areas in department training regarding pursuit situations and the application of pursuit policies and procedures

IX. UNMARKED AND OTHER TYPES OF POLICE VEHICLES:

A. Any motorcycle unit initiating a pursuit will relinquish pursuit as soon as practical to a marked four wheel police vehicle.

B. An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and audible warning device. The unmarked car will relinquish primary unit status immediately upon the participation of a marked vehicle.

C. Aerial assistance will be utilized if available, keeping in mind the strict adherence to the definition of a pursuit and the offense committed.

D. When the flight crew makes visual contact with the vehicle being pursued, the observer will immediately advise the surface units who will reduce their speed to that which is reasonable and prudent, thereafter converging on the suspect vehicle as the observer relays directions.

E. Assistance of an aerial unit will not affect the number of ground units involved in the pursuit.

X. TACTICS WHILE IN PURSUIT:

A. Existing conditions and the availability of other field units will determine the course of action to be taken to accomplish the apprehension.

B. No other units, whether uniformed, investigative or administrative, will enter into the pursuit unless specifically directed to do so by the field supervisor or a command officer.

C. Available back-up units will remain in their assigned areas until otherwise directed by a field supervisor or a command officer.

- D. Only vehicles equipped with operable emergency lights and sirens will participate in the pursuit.
- E. Officers will not initiate or engage in a pursuit while transporting non-departmental passengers (i.e., prisoners, witnesses, victims, civilian observers, etc.).
- F. The presence of an air unit may negate the need for the continuance of a pursuit and allow ground units to proceed at a reduced rate of speed to assist in the apprehension.
- G. Units will use extreme caution when engaging in pursuits on roadways in populated areas (i.e., apartment complexes, schools, parks, shopping areas etc.).
- H. Units will not follow a suspect vehicle the wrong way on a limited access roadway, i.e., I-95. Officers will notify Dispatch Operations who will notify field units and other jurisdictions of the vehicle's last location and direction of travel.
- I. Officers will use extreme caution when following a vehicle the wrong way on a one-way street.

XI. TERMINATION OF PURSUIT:

A. The officer will terminate a pursuit when:

1. Directed to do so by a supervisor, or
2. There is a clear and unreasonable danger to the police or the public or a clear and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicles or police officers involved in the pursuit, or
3. The officer believes that the danger to pursuing officers or the public outweighs the necessity for the immediate apprehension of the violator, or
4. The violator's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers, or
5. The pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile, or
6. There is a person injured during the pursuit and there are no police or medical personnel able to render assistance, or
7. Advised of any unanticipated condition, event or circumstance which substantially increases the risk to public safety inherent in the pursuit, or
8. Other extenuating circumstances exist.

B. If the officer(s) receives a communication from a supervisor to terminate pursuit, he or she will do so immediately, reporting to the dispatcher and supervisor the final vehicle location and direction of travel of the pursued vehicle.

C. Strong consideration should be given to terminating a pursuit when:

1. The pursuit enters a densely populated area and a hazard to the general public exists, and/or
2. Visibility and/or road conditions limit the probability of a safe and successful end to the pursuit.

D. The officer initiating the pursuit will, prior to the end of his or her shift, submit a report documenting the circumstances of the pursuit to his or her immediate supervisor. Other officers involved in the pursuit may be required to complete a supplemental report detailing their involvement at the discretion of the supervisor.

XII. FORCIBLE STOPPING OF VEHICLES / ROADBLOCKS:

A. Boxing in or heading off a violator's vehicle is permitted only in extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and will only be employed:

1. In response to an imminent threat to the safety of the public or a police officer; or
2. With the approval of a supervisor and at low speed.

B. Roadblocks must only be employed as a last resort in circumstances where lethal force would otherwise be justified.

1. The use of a roadblock must be authorized by a supervisor.
2. At no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock and its location and have acknowledged this awareness.
3. Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, there will be:
 - a. Adequate distance to see the roadblock,
 - b. An avenue of escape, and/or
 - c. No one in the blocking vehicle(s).

C. Officers involved in a pursuit will not fire any weapon at or from a moving vehicle nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where lethal force would otherwise be justified.

XIII. INTER-JURISDICTIONAL PURSUITS:

A. When Communications receives notification from another jurisdiction that a pursuit is heading into West Palm Beach, the Communications Center shall determine the crime for which the vehicle is being pursued.

1. If a pursuit originates in another jurisdiction, a marked unit shall be permitted to join in the pursuit if the pursuit is in compliance with Departmental policy.
2. If assistance is required by another agency, the pursuit will be limited to a total of two (2) West Palm Beach police vehicles, regardless of the number of agencies involved during the course of the pursuit. The number of units involved may be adjusted with supervisory approval to fit the situation. It is the policy of this agency to minimize the number of police vehicles involved in any given pursuit. However, circumstances such as suspects known to be armed, a large number of suspects, or preparation for the implementation of a rolling roadblock may justify the involvement of additional vehicles.
3. Unless officer safety or a specific request from the originating agency indicates otherwise, West Palm Beach police officers will terminate their participation when the outside agency's pursuit leaves the City of West Palm Beach.

B. When a West Palm Beach Police Officer's pursuit enters another agency's jurisdiction, the officer will consider his or her safety, the public's safety, distance traveled and unfamiliarity with the area, to determine if the pursuit should be continued.

1. If the pursuit continues, the dispatcher will notify the other agency that the pursuit is entering their jurisdiction and the reason for the pursuit.
2. If the initiating officer requests assistance from the other agency, the dispatcher will notify the other agency of the request and all other information pertinent to the pursuit.
3. The initiating officer will remain as the primary pursuit vehicle throughout the pursuit.
4. Only one unit (other than the initiating officer and a supervisor) will continue with the pursuit to relay information between the West Palm Beach dispatcher, the other agency, and the primary pursuit vehicle(s). The number of units involved may be adjusted with supervisory approval to fit the situation. It is the policy of this agency to minimize the number of police vehicles involved in any given pursuit. However, circumstances such as suspects known to be armed, a large number of suspects, or preparation for the implementation of a rolling roadblock may justify the involvement of additional vehicles

XV. NON PURSUITS

A. The shift commander will obtain the CAD number from any incident in which an officer initiates a traffic stop and the vehicle flees from the officer.

B. The shift commander will obtain the facts of the incident and submit a brief report to IAU. This report shall contain the following information:

1. Date and time of the incident
2. Location of the incident
3. Officer(s) involved
4. Reason for the stop
5. Brief narrative describing the incident

C. This summary report shall be forwarded through the chain of command and kept on file for future reference by IAU.

XVI. ANNUAL PURSUIT REPORT

A. The Sergeant in the Training Unit will prepare an annual report entitled Vehicular Pursuit Summary. This report shall contain the following;

1. Total number of pursuits;
2. The number of pursuits resulting in accident, injury, death, or arrest;
3. The number and types of vehicles involved in accidents;
4. A description of individuals injured (violation, third party, police);
5. The number of violators involved and arrested in pursuit incidents; and
6. All police reports, including photographs, of every pursuit.

XVI. REFERENCE:

- SOP # III-13 Use of Force.
- SOP # III-23 Use of Authorized Emergency Equipment.
- SOP # III-27 Police Escorts and Roadblocks.
- City of Pinellas Park v. Brown, 604 So. 2d 1222, 1225-1228).
- Fagan v. City of Vineland, 22 720 (4th Cir. 1991)).
- Temkin v. Frederick County Commrs, 945 F.2d 716, 720 (4th Cir. 1991).

Original issue: 04/07/89
Revised: 04/15/2008
I.D. # 1070

Delsa R. Bush, Chief of Police

History: SOP # changed to III-25 on 01/01/2005, # 6.620.029 changed to 17.07 on 07/15/98
Old SOP #: 6.620.029, 17.07
Revision Dates: 11/19/92, 07/15/98, 12/15/98, 05/05/02, 01/01/2005, 04/15/2008

Job Title Task Files: Dispatch Operations, K-9, Supervisor M/C Unit, Shift Commander, Helicopter Unit, Training Unit Sgt.

APPENDIX A

City of West Palm Beach

VEHICLE PURSUIT SUMMARY

Copy block and paste over blank checkbox

Case Number:				Date:		Time:				
Length of Time:			Distance Traveled:							
Aircraft Available?:		Yes	No	Aircraft Used?:		Yes	No	PBSO		
Active Pursuit Units:										
Primary Officer:				Unit#		Car#		MVR?		
MVR Review Revealed:			Training Value?		Yes	No	Policy Violations?		Yes	No
Secondary Officer:				Unit#		Car#		MVR?		
MVR Review Revealed:			Training Value?		Yes	No	Policy Violations?		Yes	No
Assisting Units:										
Assisting Officer:				Unit#		Car#		MVR?		
MVR Review Revealed:			Training Value?		Yes	No	Policy Violations?		Yes	No
Assisting Officer:				Unit#		Car#		MVR?		
MVR Review Revealed:			Training Value?		Yes	No	Policy Violations?		Yes	No
Type of Vehicle Pursued:			Auto	Truck	Motorcycle		Other			

VEHICLE PURSUITS

SOP # III-25

Offender (Driver):	Race	Sex	DOB	AGE
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Reason Pursuit Initiated:

VEHICLE PURSUIT SUMMARY

Case #:

Maximum Speed of Pursuit (MPH):

How Did Pursuit End? **Aborted** **Accident Occurred** **Bailout** **Surrender**

Offender (Driver) Arrest Charges:

Injuries? **None** **Offender** **Offender=s Passengers** **Officers** **Other**

Value of Property Damage:

Suspect Vehicle: **Parked Vehicle(s):**

Police Vehicle(s): **Private Property:**

How was the damage listed in each category sustained?

Supervisor=s narrative of pursuit:

REVIEWS AND APPROVALS

Print Name

Signature Date

Investigating Supervisor

Shift Commander

Division Commander

Bureau Commander

Internal Affairs Unit Commander