

WINDERMERE POLICE DEPARTMENT

GENERAL ORDER



Effective Date: April 16, 2018	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Amends 8.3 (October 1, 2013)	Number: 8.3
SUBJECT: Vehicle Apprehensions and Pursuits		Print Date: 04/16/18
Distribution: All Personnel	Accreditation Standards:	

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. Purpose

The purpose of this policy is to establish the guidelines for vehicle apprehensions and pursuits.

2. Policy

The Windermere Police Department will make every reasonable effort to stop violators. The protection of life, both civilian and law enforcement, is the foremost concern that governs this policy. Officers must balance the need to stop a suspect against the potential threat to themselves and the public created by a pursuit or apprehension.

3. Definitions

- A. Active Participants – all officers who directly follow the vehicle pursuit or take overt action to stop the vehicle.
- B. Command Staff – A sworn supervisor or manager holding the rank of Sergeant or above that assumes tactical control/responsibility for the pursuit/apprehension event.

- C. Diversionary Traffic Stop – a system of covert vehicle maneuvers, utilizing a minimum of three vehicles, tactically parked, resulting in the immobilization of the target vehicle.
- D. Due Care – When a reasonably careful person, performing similar duties under similar circumstances, would act in the same manner.
- E. Electronic Tracking – equipment that is in a vehicle that allows it to be tracked from a remote location. This is either done through a proprietary means or by the use of G.P.S. Satellites, or some other combination.
- F. Exigent Circumstances – those situations that fall outside the normal scope of operation or policy and require immediate aid or action. In exigent circumstances, if authorized by Command Staff or above, an officer may pursue only if there is a reasonable belief that the continuing conduct of the violator presents an immediate and life threatening danger to the public, officer(s) or the violator.
- G. WGPD – The Winter Garden Police Department. The Windermere Police Department contracts its dispatch services through the WGPD.
- H. Paralleling – following a similar course as the suspect by operating on adjacent roads to where the suspect is driving.
- I. Primary Pursuit Vehicle – the emergency unit that is immediately behind the suspect.
- J. Reasonable Suspicion – knowledge sufficient to induce an ordinarily prudent and cautious officer to believe criminal activity is at hand. It must be based on specific and articulable facts which taken together with rational inferences from those facts, reasonably warrant intrusion.
- K. Secondary Pursuit Vehicle – the emergency unit that trails the primary pursuit unit.
- L. Pursuit Intervention Technique (PIT) – is the intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop it.
- M. Stationary Roadblock (Channelization) – tactic designed to offer a limited path of travel to a moving violator vehicle. The channelization is designed to offer an obstacle to the violator and makes use of a display of force and Stop Sticks® should the violator choose to proceed through the path of escape (channel).

- N. Tactical Parking – the positioning of one or more police vehicles, marked or unmarked, in a position to eliminate the fleeing of a suspect vehicle from a parked position or traveling less than ten (10) miles per hour.
- O. Termination – when members discontinue the attempt to stop and/or apprehend a suspect vehicle.
- P. Tire Deflation Devices – equipment designed to be placed in the path of an oncoming violator vehicle and struck by that vehicle. When struck the affected tires are pierced by objects that let a controlled amount of air out of the tire. These tire deflation devices are to be used only in a manner consistent with training.
- Q. Traffic Stop – an attempt by an officer utilizing emergency equipment, hand signals, etc., to stop a motor vehicle.
- R. Vehicle Apprehension Techniques – the tactics and strategies that are designed to take a suspect into custody who is in a moving or parked motor vehicle that includes, but are not limited to, tactical parking, diversionary traffic stops, utilization of controlled tire deflation devices, stationary roadblocks (channelization), or other approved tactics.
- S. Vehicle Pursuit – an attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

3. **Procedures**

- A. Vehicle Apprehensions / Vehicle Pursuits
 - 1. Members may engage in a vehicle pursuit when they have a reasonable suspicion to believe that a fleeing suspect has committed or has attempted to commit or has a warrant for one of the below listed violent forcible felonies:
 - a. Murder
 - b. Manslaughter
 - c. Sexual battery
 - d. Carjacking

- e. Home invasion
 - f. Robbery with a weapon or firearm (implied or actual)
 - g. Kidnapping
 - h. Aggravated battery
 - i. Aggravated assault with a firearm
 - j. Aggravated assault on a law enforcement officer
 - k. Unlawful throwing, placing, or discharging of a destructive device or bomb
2. A Command Staff Member may authorize the pursuit of a vehicle, when reasonable suspicion exists, indicating a domestic security threat. This decision shall be based upon credible information from a reliable source, i.e., FBI, Homeland Security, etc.
 3. A Command Staff Member may authorize the pursuit of a vehicle when exigent circumstances exist and there is a reasonable belief that the continuing conduct of the violator presents an immediate and life threatening danger to the public, officer(s) or the violator.
 4. Suspects who are wanted for violation of probation (VOP) for any offense shall not be considered a suspect in the aforementioned crimes. Therefore, pursuits are not authorized for VOP warrants.
 5. Pursuits for misdemeanor offenses, non-forcible felonies, traffic, or civil infractions are prohibited.
 6. The decision to initiate a pursuit must be based on the officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Many factors have bearing on this decision, including, but not limited to:
 - a. The originating offense meets the policy threshold for pursuit.
 - b. Alternative means of apprehension.

- c. Nature of the suspected violent forcible felony.
 - d. The potential for endangerment of the public caused by the eluding acts of a fleeing violator.
 - e. The amount of vehicle and/or pedestrian traffic.
 - f. Possibility of identifying the operator and/or vehicle at a later date.
 - g. Daylight or darkness.
 - h. Weather conditions.
 - i. Road conditions.
 - j. Type of police vehicle.
 - k. Vehicle speeds.
 - l. Quality of radio communications between pursuing officers, the dispatcher and the supervisor.
 - m. Actions of the person being pursued.
7. Once the decision has been made to engage in pursuit, the above listed factors shall continue to be given careful consideration in determining whether to continue the pursuit.
8. Members, supervisors, and Command Staff at all levels have a responsibility to closely monitor the progress of each pursuit. The need for apprehension must be constantly weighed against the potential danger created by the pursuit.
9. All members shall have pursuit training prior to engaging in any vehicle apprehension tactics. Supervisors are responsible for understanding the limitations of their subordinates and providing training.

B. Vehicle Pursuit Communications

- 1. Upon initiation of a vehicle pursuit the Officer should immediately notify the dispatcher of the vehicle pursuit providing description of the vehicle,

tag number, occupants, location and direction of travel, reason for the vehicle pursuit and request emergency traffic on the radio.

2. An officer shall be on the primary channel to initiate a pursuit.
3. WGPD policy states that the dispatcher shall ensure the supervisor of the officer involved in the vehicle pursuit, or the on-duty patrol supervisor, is advised of the pursuit via the radio. Windermere Supervisors shall acknowledge via the radio his/her knowledge of the vehicle pursuit.
4. WGPD Communications will advise other units on all primary talk groups and notify the Aviation unit(s) and K-9 unit(s) to respond. WGPD Communications will follow their radio procedure protocol during pursuits.
5. Any member, whether or not an active participant in the pursuit, shall notify the supervisor in charge of the pursuit of any pertinent tactical considerations including, but not limited to, the suspect's driving behavior, i.e., violation of traffic laws, near collision, and upcoming road hazards such as school zones, vehicle and pedestrian traffic, road conditions, etc.
6. When the order to discontinue a pursuit is given, the dispatcher shall activate the alert tone and announce, "All units discontinue the pursuit." Active participants involved in the pursuit shall acknowledge their termination via radio commencing with the primary pursuit vehicle.
7. Any member who observes a vehicle not in compliance with the order to terminate a pursuit shall immediately notify the supervisor of the situation. The supervisor shall conduct an inquiry to determine the reason for non-compliance and handle according to policy.

C. Conduct of the Vehicle Pursuit

1. Supervisors and Command Staff Members shall realize the limitations of the Windermere Police Department and immediately evaluate if the capability exists to continue a vehicle apprehension safely.
2. The primary pursuit vehicle and the secondary pursuit vehicle will be the only ground vehicles to pursue a fleeing vehicle, unless specific authorization has been granted by a supervisor.
3. The supervisor may authorize additional vehicles to assist for officer safety.

4. The secondary pursuit vehicle shall not follow too closely and shall not attempt to pass the primary pursuit vehicle unless the primary pursuit vehicle is forced to drop out of the vehicle pursuit.
5. Any units paralleling the vehicle pursuit shall use due care.
6. The continuous operation of emergency lights and sirens is required for all units directly in pursuit of the suspect. All other units actively involved will maintain operational control of their emergency lights and sirens.
7. Members should attempt to provide for due care and safety of the public by protecting them from inadvertently entering the vehicle pursuit area.
8. Members in unmarked vehicles may initiate a pursuit, using due care, and using proper emergency equipment (emergency lights and siren) until a marked vehicle can take over the vehicle pursuit.

D. Responsibilities

1. Primary Pursuit Vehicle
 - a. Maintain contact with the suspect.
 - b. Give initial location, direction of travel, suspect and vehicle description and crime committed information via radio.
 - c. Constantly evaluate all factors to continue or discontinue the pursuit.
 - d. Assume responsibility for completion of applicable reports stemming from the vehicle pursuit.
2. Secondary Pursuit Vehicle
 - a. Handle all ongoing communications via radio relating to direction(s) of travel, additional suspect description(s), and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to any vehicle(s) involved or to the dispatcher.
 - b. Assist the primary pursuit vehicle as necessary.

- c. Constantly evaluate all factors to continue or discontinue the pursuit on the radio.
- d. Assist the primary pursuit vehicle with the required documentation pertaining to the pursuit.

3. Supervisor

- a. Shall immediately take command and control of the vehicle pursuit.
- b. Shall have overall responsibility for the decisions concerning continuance or discontinuance of the vehicle pursuit.
- c. Shall be in command of the vehicle pursuit tactics.
- d. Shall constantly evaluate all factors to continue or discontinue the pursuit.

4. Command Staff Members

- a. Shall monitor the vehicle pursuit and ensure compliance with this policy.
- b. Shall immediately take command and control of the vehicle pursuit in the event a supervisor fails to do so, or to correct decisions.
- c. Responsible for vehicle pursuits that cross jurisdictional boundaries.
- d. Shall constantly evaluate all factors to continue or discontinue the pursuit.

5. OCSO Aviation

- a. Aviation units will be requested to respond to all vehicle pursuits.
- b. If the Aviation flight crew makes visual contact with the vehicle being pursued, they will immediately advise the surface units. The flight crew will keep the supervisor apprised of the suspect's location for other available tactical apprehension options.

- c. The flight crew shall call off a pursuit if they observe safety concerns based on the significant factors as listed in this policy. The Windermere Police Department shall immediately cease all pursuits or apprehension tactics should OCSO Aviation call off the pursuit.

E. Multi-Jurisdictional Vehicle Pursuits

1. Vehicle Pursuits Leaving the Town of Windermere

- a. Members engaged in a vehicle pursuit that leaves the Town limits of Windermere may continue the pursuit into another jurisdiction provided the member has the approval of the supervisor in command of the vehicle pursuit.
- b. WGPS Communications is responsible for promptly notifying the county into which the vehicle pursuit is traveling.
- c. The jurisdiction into which the vehicle pursuit is traveling is responsible for determining if they will assist with the pursuit. Supervisors shall determine if that jurisdiction will:
 1. Assume command of the vehicle pursuit once an officer from that jurisdiction joins the pursuit.
 2. Upon the arrest of the suspect being pursued, the requirements of Section 901.25, Florida State Statutes, shall be followed. (This section directs that the arrestee be taken before a judge of the county in which the arrest is made.)
- d. Members of the Windermere Police Department engaged in a vehicle pursuit outside of the Town of Windermere limits shall continue to follow all policies and procedures of the Windermere Police Department.

2. Vehicle Pursuits from Other Jurisdictions Entering the Town of Windermere

- a. Members of the Windermere Police Department shall not enter into another jurisdiction's pursuit.

- b. Members should attempt to provide for due care and safety of the public by protecting them from inadvertently entering the vehicle pursuit area.

F. Termination of Pursuit

1. When a supervisor, a manager, the primary pursuit vehicle, or flight crew member directs that a vehicle pursuit be terminated, all members will do so immediately by ceasing to follow or attempting to apprehend the fleeing vehicle in any way. The members involved will turn off all emergency equipment when it is safe to do so. When it is safe to do so, the member shall pull over to the side of the road and stop, or turn in another direction away from the suspect. If this is unsafe, the officer shall continue at or below the posted speed until the above can be accomplished.
2. Members shall conform to all traffic laws once no longer engaged in the vehicle pursuit.
3. Any attempt to reengage a suspect in a vehicle after the pursuit has been terminated must be authorized by a Command Staff Member.

G. Vehicle Apprehensions/Vehicle Pursuits Involving a Traffic Crash Resulting in Serious Bodily Injury and/or Death

1. The Supervisor in charge shall notify the Chief of Police via the chain of command. All pursuits resulting in serious bodily injury or death will be investigated.

H. Post Pursuit Reporting and Review

1. An Incident Report shall be completed by the Primary Pursuit Vehicle and a Supplement Report by active participants in the pursuit. All vehicle apprehension tactics used or attempted shall be documented in the Incident Report.
2. The member's supervisor shall ensure the Incident Report is properly completed and verify compliance with agency written directives.
3. The member's supervisor shall critique the incident and complete a memorandum detailing this critique to the Chief of Police. The memorandum shall include the following:

- a. The Supervisor shall state whether the vehicle apprehension/pursuit was within WPD policy (e.g., What was the originating charge, was policy followed, was the member trained to perform the task, if not what was the exigencies that existed, etc.)
 - b. The supervisor shall document any problems or concerns that may impact the conduct of future vehicle pursuits.
4. Each level of the chain of command shall provide comment on the memorandum to the Chief of Police. These comments shall include whether an inquiry or formal investigation needs to be completed.
5. The Training Coordinator shall review all vehicle apprehensions/pursuits for annual training recommendations.

I. Criteria for Utilizing Vehicle Apprehension Techniques

1. Vehicle apprehension techniques may be utilized if the member reasonably believes, with the totality of the circumstances, that they may employ such techniques without creating undue risk to themselves and the public.
2. If an apprehension technique is utilized during a vehicle pursuit and the technique is unsuccessful, the supervisor shall be notified as he/she must approve the use of any additional apprehension techniques.

J. Authorized Techniques for Vehicle Pursuits

1. Members of the Windermere Police Department shall not utilize any Apprehension technique unless appropriately trained and authorized by a supervisor or above.
2. Tire deflation devices may be utilized during pursuits as a technique to attempt to stop the fleeing vehicle.
 - a. Tire deflation devices can only be deployed for pursuable offenses.
 - b. If the pursuit criteria are met, authorization to deploy a tire deflation device is at the individual officer level.

- c. Tire deflation devices shall only be deployed by members who have received training.
 - d. Tire deflation devices shall not be deployed to terminate motorcycle pursuits.
 - e. Members involved in the deployment of such devices shall redirect civilian vehicle traffic away from the deployment area.
 - f. Tire deflation devices are designed to be employed when the vehicle to be apprehended is traveling at ten (10) miles per hour or greater. Tire deflation devices are not as effective at lower speeds.
 - g. Upon deployment of a tire deflation device, officers will immediately notify the supervisor of the success or failure to stop the vehicle.
3. Stationary Road Block (Channelization) may be authorized if the circumstances surrounding the vehicle pursuit justify the need.
- a. Authorized by a supervisor or above.
 - b. All Stationary Road Blocks (Channelization) must be illuminated with flares or patrol vehicle overhead emergency lights and emergency lighting equipment. Proper care must be given to avoid completely blinding the fleeing driver.
 - c. Tire deflation devices shall be used if available.
 - d. This technique shall only be used by members who have received training.
 - e. The member shall immediately notify the supervisor of the success or failure to stop the vehicle.
- K. Authorized Techniques for Vehicle Apprehensions
- 1. Traffic Stop
- Due to the public's concern for safety, there may be circumstances where a member initiates a traffic stop and the violator declines to stop, yet makes no effort to elude or attempt to flee. The officer is authorized to

follow the violator to a populated, well lighted area, while driving in accordance with traffic laws. The member will immediately discontinue should the violator make any effort to flee or elude.

2. Tactical Parking

The positioning of one or more agency vehicles, marked or unmarked, in a position to eliminate the fleeing of a suspect vehicle from a parked position or traveling less than ten (10) miles per hour. This technique shall only be used by members who have received training provided by Training.

3. Pursuit Intervention Technique (PIT)

- a. The PIT will only be utilized by officers who have received approved training.
- b. The PIT can only be utilized for pursuable offenses.
- c. If the pursuit criteria are met, authorization to utilize PIT is at the level of the supervisor in charge of the pursuit.



Chief David A. Ogden