



FLAGLER COUNTY SHERIFF'S OFFICE

GENERAL ORDER

Effective Date: January 3, 2017	<input type="checkbox"/> New <input type="checkbox"/> Rescinds: <input checked="" type="checkbox"/> Amends: GO# 023 dated 11/11/16	Number: 023
Subject: Vehicle Apprehension		
Distribution: All Sworn Employees and All Communications Employees	CFA Standards: 14.05 M A-J; 18.10M FLA-TAC Standards: FCAC Standards:	

I. Scope & Purpose: This General Order (GO) establishes policy for Flagler County Sheriff's Office (FCSO) Deputies who engage in motor vehicle apprehensions. It also provides for an administrative review of circumstances involving vehicle apprehensions vehicle apprehension, including the judgment exercised by involved Deputies, Supervisors and other employees.

II. Discussion:

- A. As the goal of the FCSO is the protection of life and property, the circumstance under which Deputies may engage in motor vehicle apprehensions is strictly regulated.
- B. Vehicle Pursuits: [14.05 A]
- Deputies may engage in a vehicle pursuit when there is reasonable belief the suspect committed or attempted to commit a forcible felony which involved the actual or threatened use of deadly force. The intentional striking of an emergency vehicle by the subject vehicle, absent other aggravating circumstances, does not automatically constitute an imminent threat of physical harm to the public.
 - Only an NSD Platoon Commander or their designee may authorize a pursuit when exigent circumstances exist and there is a reasonable, well founded belief that the continuing conduct of the violator, conduct that occurred **PRIOR** to law enforcement contact, presents an immediate and life-threatening danger to the public, deputy(ies) or the violator.
 - Pursuits are not authorized for misdemeanor offenses, non-forcible felonies, traffic, civil infractions or for suspects who are wanted for a violation of probation warrant (VOP) for any offense.
- B. After receiving approved training, Deputies are authorized to use the precision immobilization technique and/or tire deflation devices under the following circumstances:

1. There is a reasonable belief that the driver will flee upon the sight of law enforcement or after being directed to stop.
 2. During the course of an ongoing vehicle apprehension when circumstances are favorable.
 3. The driver has refused to stop or yield to an emergency vehicle.
 4. In instances where immediate apprehension cannot be affected with reasonable safety, Deputies will try to obtain enough information to make a future arrest without having to engage in a vehicle apprehension.
 5. The exemptions from complying with traffic laws granted to emergency vehicles by Sections 316.072 and 316.126 (3), Florida Statutes.
- D. Florida State Statute (FSS) 316.072 (5) authorizes emergency vehicles to disregard traffic signals, (after slowing down as may be necessary for safe operation), stop signs, speed limits, directional signs, etc., as long as they do not endanger life and property when responding to an emergency call or vehicle apprehension of suspected or actual violators of the law.
- E. During any vehicle apprehension, there must be due regard for the safety of all persons. Florida State Statute 316.126 requires that emergency equipment be in continuous use when emergency vehicles are being operated beyond the laws regulating all other traffic.

III. Forms:

- Vehicle Apprehension Form. FCSO Form # PATL-082.

IV. Definition:

- A. Attempt to Stop: An initial effort made to lawfully stop a moving vehicle.
- B. Vehicle Apprehension: An active and continuing effort by a Deputy Sheriff in an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle, provided the driver of such vehicle is aware or should be aware of the attempt being made to stop them; and, said driver fails to stop after a reasonable time, a reasonable distance, increases speed or takes other evasive action.
- C. Emergency Vehicle (Unit): Any authorized police vehicle equipped with a siren and emergency lights which meet the requirements of Chapter 316, Florida Statutes.
- D. Primary Vehicle apprehension Unit: Generally the emergency unit which initiates the vehicle apprehension or any emergency unit that assumes control of the vehicle apprehension as the lead vehicle.
- E. Secondary Vehicle apprehension Unit: An emergency unit (up to a maximum of two units) which trails the primary unit at a safe distance and which is available to assume the primary role or assist the primary unit if the fleeing vehicle is stopped.
- F. Assist Units: Other emergency police vehicles, other than the three active vehicle apprehension vehicles (primary and two secondary units), may be designated as assist units. They are to remain alert to the direction and progress of the vehicle apprehension and may position themselves at strategic sites along the probable vehicle apprehension route or on parallel roadways for response to any emergencies that may

develop and/or prevent civilian vehicle or pedestrian traffic from interfering in the vehicle apprehension.

- G. Precision Immobilization Technique: The Precision Immobilization Technique (PIT) is the intentional act of making contact with a violator's vehicle to force it (from its course of travel) to stop.
- H. Forcible Felony under this General Order is defined as: Treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; occupied armed 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.

V. Procedure:

A. Responsibilities of the Primary Vehicle apprehension Vehicle: [CFA 14.05M B]

- 1. Deputies will immediately notify the Communications Section when a vehicle apprehension has begun, and will at a minimum provide the following information:
 - a. Their radio identification number and "10-31."
 - b. The location, speed and travel direction of the fleeing vehicle.
 - c. A description and license plate number, if known, of the fleeing vehicle.
 - d. Charges against the driver, or articulate exigent circumstances and the reasonable belief that the continuing conduct of the violator presents an immediate and life threatening danger to the public, deputy(ies) or the violator.
 - e. The number of suspects (occupants) in the vehicle.
 - f. Amount of vehicle and/or pedestrian traffic.
 - g. Weather conditions.
 - h. Road conditions.
- 2. Responsibility for compliance with this GO rests directly with the primary unit, until directed otherwise by an NSD Platoon Commander or their designee.
- 3. The need for apprehension must be constantly weighed against the potential dangers created by the pursuit.

B. Responsibilities of the Secondary Vehicle: [CFA 14.05M C]

- 1. A secondary unit, upon joining the vehicle apprehension, shall immediately notify the Communications Section of its identity. If practical, the first secondary unit should assume radio communications responsibility for the primary unit.
- 2. A secondary unit should maintain a safe distance from the primary unit, but be close enough to render assistance.
- 3. Should the primary vehicle apprehension unit become disabled, the secondary unit will become the primary unit and the supervisor will designate a new

secondary unit.

C. Supervisor Responsibilities: [CFA 14.05M F]

1. The NSD Platoon Commander or their designee has responsibility for continuing or terminating all vehicle apprehensions. NSD Platoon Commanders or their designees shall assert control of the vehicle apprehension by monitoring and directing specific units into or out of the vehicle apprehension, re-designating primary, secondary, and back-up units, approving or ordering alternative tactics, or terminating the vehicle apprehension, if appropriate. This supervisor shall acknowledge the pursuit over the primary radio channel.
2. Upon being notified of a vehicle apprehension, NSD Platoon Commander and or their designee shall verify the following factors:
 - a. The reasons which initiated the vehicle apprehension.
 - b. That no more than the necessary number of units are to be involved in the vehicle apprehension.
 - c. That the correct radio channel is being used.
 - d. That any potential inter-jurisdictional law enforcement agencies are notified.
3. That the following duties are being executed by the Communications Section: [CFA 14.05M E]
 - a. A Communications Specialist is designated to monitor the vehicle apprehension.
 - b. "Emergency radio traffic" has been initiated.
 - c. All units have been told that a vehicle apprehension is in progress. The Communications Specialist shall confirm via radio that an NSD Platoon Commander or their designee acknowledges the pursuit.
 - d. The Communications Specialist is provided with information that includes the radio identification numbers of the primary and support units.
 - e. Locations or changes in vehicle apprehension directions are routinely updated.
 - f. Record checks are handled as quickly as possible.
 - g. Information provided by pursuing units is repeated as necessary.
 - h. The status availability of aircraft and K-9 units is known.
 - i. Establish a common radio channel when vehicle apprehensions have or are likely to cross jurisdictions.
 - j. Monitor the vehicle apprehension until it has been terminated.

D. Operational Tactics:

1. General Considerations [CFA 14.05M A]:
 - a. Factors to be considered before beginning a vehicle apprehension include:

- i. The area in which the vehicle apprehension will be occurring:
 - (A.) Residential areas.
 - (B.) School zones.
 - (C.) Road conditions.
 - (D.) Special events in progress.
 - (E.) Congested business areas or intersections.

- ii. The time of day:
 - (A.) Are school children going or coming from school?
 - (B.) Is traffic congestion going to be a problem?

- iii. Suspects' vehicle speed and driving style:
 - (A.) Extreme high speed.
 - (B.) Reckless driving habits, failure to stop at stop signs or lights.
 - (C.) Ramming other vehicles to escape capture.

2. Method of Vehicle apprehension: [CFA 14.05M D]

- a. No more than three (3) units will engage in the actual vehicle apprehension.
- b. All emergency equipment including sirens will be used.
- c. A caravan of unassigned units is prohibited.
- d. Deputies should not follow a suspect vehicle the wrong way on a divided roadway, and should use extreme caution if the suspect vehicle proceeds the wrong way on any other roadway.
- e. Pursuing units will maintain a reasonable and safe following distance.
- f. Marked patrol cars equipped with sirens and emergency lights may engage in vehicle apprehensions of fleeing vehicles.
- g. Only those vehicles equipped with emergency lights and sirens may engage in vehicle apprehensions.
- h. Motorcycles, unmarked vehicles and SUV's may be used in a vehicle apprehension at the deputy's discretion. It is recommended that these vehicles be only involved in vehicle apprehensions until the arrival of a marked patrol vehicle.
- i. Deputies on bicycle patrol are not authorized to engage in a motor vehicle apprehension
- j. The initiating vehicle apprehension unit may relinquish primary vehicle apprehension position to neighboring city/county law enforcement officers when crossing jurisdictional boundaries. [CFA 14.05M B]
- k. Deputies will terminate a vehicle apprehension if they lose radio contact with the Communications Section or the NSD Platoon Commander or their designee.
- l. When aerial surveillance is available, the air crew will notify the Communications Section.

- m. When feasible, the aircraft becomes responsible for communicating the progress of the vehicle apprehension, but only after communication is established between the air and ground units confirming the transfer of this responsibility.
 - n. At that time, all pursuing units will break away from the vehicle apprehension and allow the suspect vehicle adequate distance.
3. Precision Immobilization Technique (PIT): [CFA 14.05M G]
- a. The PIT will be used only by Deputies who have received approved training. Deputies trained in PIT techniques must receive re-training every two years.
 - b. The use of PIT to apprehend a driver or occupant is authorized when the Deputy reasonably believes is committing or has committed a "Forcible Felony" crime which involved the actual or threatened use of deadly force and the perpetrator's escape would create a substantial risk to the public will be permitted only if the PIT occurs at a time and place and in a manner that human life and property are not unreasonably endangered.
 - c. The use of the PIT against motorcycles and vehicles having a high center of gravity (i.e. large sport utility vehicles, trucks, and large vans) is prohibited unless the use of deadly force is justified.
 - d. 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.
 - e. The use of the PIT against vehicles with one or more deflated tires is prohibited unless the use of deadly force is justified.
 - f. The intentional striking of an emergency vehicle by the subject vehicle, absent other aggravating circumstances, does not automatically constitute an imminent threat of physical harm to the public.
 - g. The Vehicle Apprehension Report shall be utilized every time a PIT is utilized.
4. Roadblocks: [CFA 18.10 M]
- a. Roadblocks are not authorized at this time.
 - b. Commanders and their designees may, when warranted, close a road for approved traffic functions, active crime scenes, incidents related to all hazard emergencies and special events. This is not an inclusive list.
 - c. Commanders and their designees may direct appropriately trained personnel to close roads.
5. Tire Deflation Devices [CFA 14.05M G]
- a. Tire deflation devices will only be deployed by Deputies who have received agency approved annual training.
 - b. Tire deflation devices should be deployed in the roadway in advance of the

- fleeing vehicle.
- c. Tire deflation devices should only be used in a safe manner without jeopardizing the safety of the deputies involved or other persons.
- d. Deputies involved in the deployment of tire deflation devices shall redirect civilian vehicle traffic away from the deployment area.
- e. Tire deflation devices shall not be used to apprehend motorcycles or other two-wheeled vehicles.
- f. Deputies deploying tire deflation devices shall notify all units engaged in a vehicle apprehension of the location and deployment on the active radio channel used by the pursuing deputies.
- g. Deputies may use tire deflation devices issued by the FCSO as a pursuit prevention measure for stationary vehicles or to disable and stop a fleeing vehicle.
- h. Tire deflation devices should be placed end-to end without being interlocked, into the black concealment sleeve with the attached cord reel.
- i. The sleeved unit can then be deployed as a single obstacle in the path of the fleeing vehicle.
 - i. Tire deflation devices are equipped with a pull string that attaches to the end of the stop sticks or the sleeve.
 - ii. Having the pull string attached gives the deputy the option of pulling a number of stop sticks from a concealed position into the path of the fleeing vehicle.
 - iii. Caution shall be used when employing this maneuver. The pull string must be placed flat on the surface of the roadway and shall not be held by the deputy.
 - iv. The stop sticks must be pulled in place in sufficient time to allow the deputy to release the pull string and to place oneself in a safe location.
- i. Tire deflation devices are assigned to individual vehicles.
- j. After the successful deployment of deflation devices, a vehicle will be followed and stopped as soon as possible by any reasonable means necessary, other than the use of firearms and the PIT, unless deadly force is justified.
- k. If any portion of a tire deflation device becomes damaged, a replacement will be obtained as soon as possible.
 - i. The Vehicle Apprehension Report Form shall be completed by the member who deployed the tire deflation devices(s). The serial numbers of the damaged deflation devices shall be affixed to the form.
 - ii. A copy will be forwarded along with the tire deflation devices to the Purchasing and Inventory manager. The original will be attached to the incident report.

E. Terminating the Vehicle Apprehension [CFA 14.05M H]

- 1. A decision to terminate a vehicle apprehension may be the most rational means of

protecting property, the lives of the public, law enforcement officers, and suspects.

2. Deputies have an obligation to discontinue a vehicle apprehension when circumstances dictate it is no longer justified or reasonable or the road and driving conditions outweigh the immediate need for apprehension.
3. A vehicle apprehension will be terminated when:
 - a. The Deputy or Supervisor determines the level of danger outweighs the necessity of the vehicle apprehension.
 - b. The suspect's identity has been established to the point that later apprehension can be accomplished and he/she does not pose an imminent danger to the public.
 - c. The distance between the Deputy and the pursued vehicle is so great it becomes obvious that apprehension is unlikely.
 - d. Equipment failure makes it impractical or unsafe to continue the vehicle apprehension.
 - e. Radio contact is lost with the Communications Section and/or the Supervisor.
 - f. The Deputy engaged in the vehicle apprehension no longer has a reasonable belief that the suspect is committing, has committed, or is attempting to commit a forcible felony.
 - i. When a Deputy or supervisor terminates a vehicle apprehension, all pursuing Deputies will immediately cease to follow the suspect vehicle in any manner whatsoever, and will turn off their emergency lights and siren. When safe to do so, deputy(s) shall turn in another direction away from the suspect. Any attempt to reengage a suspect in a vehicle after the pursuit has been terminated must be authorized by the Platoon Commander or their designee.

F. Inter-Jurisdictional Vehicle Apprehensions: [CFA 14.05M B + I]

1. Out-Bound Vehicle apprehensions:
 - a. If a vehicle apprehension appears to be continuing outside Flagler County, the pursuing Deputy will instruct the Communications Section to notify the other jurisdiction into which the vehicle apprehension is entering and request their assistance.
 - b. Notifications should include:
 - i. Nature of offense/reason for vehicle apprehension.
 - ii. Number of suspects in the pursued vehicle.
 - iii. Number of units currently involved.
 - iv. Direction of travel and the suspect's description.
 - v. Any special conditions or considerations.

- c. If assistance is granted from the other agency, a unit from that jurisdiction should assume the primary unit position, if practical, once the vehicle apprehension has entered their jurisdiction. The primary pursuing Flagler County unit should then continue as a secondary unit at a safe distance behind the new primary unit.
- d. Responsibility for continuing or terminating a vehicle apprehension should transfer to the other jurisdiction.
- e. If the vehicle apprehension is terminated by the other jurisdiction's primary unit, the Flagler County unit will also terminate the vehicle apprehension.
- f. If the other jurisdiction does not grant assistance to the FCSO, the primary unit must re-evaluate the need to continue the vehicle apprehension based upon existing conditions including geographic knowledge of the area.
 - i. If the decision is to continue the vehicle apprehension, the Communications Section will continue to inform other affected jurisdictions and request their assistance.
 - ii. Units from the other jurisdictions should then act to protect the public from the vehicle apprehension without becoming involved in the vehicle apprehension.
- g. If the other jurisdiction requests the pursuing Flagler County unit to discontinue the vehicle apprehension in view of public safety concerns, the Flagler County unit will terminate the vehicle apprehension.
- h. Deputies continuing a vehicle apprehension outside Flagler County will adhere to the policies of the FCSO.

2. In-Bound Vehicle Apprehensions:

- a. Deputies shall not become involved in another agency's vehicle apprehension unless clearly and specifically directed to assist by an FCSO NSD Platoon Commander or their designee.
- b. Assisting with a vehicle apprehension that enters Flagler County will depend upon the methods used by the pursuing agency and if reasons and road conditions for the vehicle apprehension comply with this General Order. If those methods do not appear to meet with this policy, FCSO Deputies will not become involved in the vehicle apprehension except to protect innocent drivers and pedestrians from unwittingly becoming involved.
- c. FCSO Deputies may request the pursuing agency terminate a vehicle apprehension due to public safety considerations.

G. Vehicle Apprehension Report: [CFA 14.05M J]

- 1. The Vehicle Apprehension Report form and general incident report shall be completed after every vehicle apprehension. This includes vehicle apprehensions that directly involve Flagler County Deputy Sheriffs.
- 2. The Vehicle Apprehension Report form shall be completed by the Deputy who

- conducted (or who was directly involved in) the vehicle apprehension and shall be submitted to a reviewing supervisor before going off duty.
3. Upon receiving the report, the NSD Platoon Commander or their designee will critique the incident with the Deputy and any other involved personnel. Problems or concerns will be discussed, and a written recommendation shall be forwarded to the NSD Division Sr. Commander, if necessary, detailing any recommendations regarding the handling of future incidents.
 4. The Vehicle apprehension Report form, along with any recommendations, shall be signed by the approving supervisor and forwarded through the NSD chain of command to the NSD Senior Division Commander for review.
 5. Any vehicle apprehension that has resulted in injury or damage to property shall be brought to the attention of the NSD Senior Division Commander who will forward a copy of all reports to the agency attorney as soon as possible.
 6. The NSD Senior Commander shall ascertain if the circumstances of the vehicle apprehension are in compliance with this GO. If the NSD Senior Commander determines the vehicle apprehension was not in compliance with this GO, the report will be forwarded to the Chief Deputy with a recommendation for corrective action. A pursuit in violation of this GO shall be handled in accordance with GO 019 Formal Discipline.

H. Miscellaneous:

1. If any FCSO vehicle is functionally damaged during a vehicle apprehension, it will be removed from service and inspected by the Fleet Maintenance Unit before it is returned to service.
2. Biennial training in the Emergency Vehicle Operations Course (EVOC) is mandatory for all Deputies.
3. By January 15th of each year, the NSD Senior Commander or designee in conjunction with the Training Unit Manager or designee will submit to the Sheriff via the chain-of-command an analysis, including patterns and trends, of the previous year's vehicle apprehensions. The analysis will also include any recommendations to change FCSO directives, policies, procedures or training.
[CFA 14.05M J]

Rick Staly
Sheriff