

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: PURSUIT/ EMERGENCY RESPONSE

NUMBER: 14-6

EFFECTIVE: 8/14

REFERENCE:

RESCINDS/AMENDS: 17-6

REVISED: 06/23

ATTACHMENTS: [APPENDIX A](#)
[FS 316.072; FS 316.126](#)

A. PURPOSE

The purpose of this written directive is to provide guidelines for the safe operation of police department vehicles in emergency and pursuit situations.

B. POLICY

Because vehicle pursuits pose a danger to the public and Department members, the NSB Police Department shall develop and maintain a set of policies and procedures that enable members to safely conduct pursuits. Officers will always consider the dangers of a vehicle pursuit in relation to the lives and property of innocent users of the roadways, law enforcement employees, and the violator. Officers deciding to give chase must balance the need to stop a suspect against the potential threat to everyone created by the pursuit.

C. DEFINITIONS

EMERGENCY VEHICLE: For the purpose of this directive as a whole, “emergency vehicle” is a vehicle owned or leased by the City of New Smyrna Beach, which is either unmarked or conspicuously marked with agency insignia, as a police vehicle and is equipped with warning lights and audible warning equipment.

This definition does not supersede the pursuit requirements; which permits marked police vehicles to engage in a pursuit and limits the pursuit ability of unmarked vehicles/motorcycles under special circumstances, which is outlined in **14.6.16(1)**.

USE OF DEADLY FORCE: It shall be the policy of the department to use only that degree of force that is reasonable to accomplish lawful objectives. The use of deadly force is authorized when there is reasonable belief that such force is necessary and if feasible, a warning is given.

1. Protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
2. Prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is imminent risk of serious bodily injury or death to the officer or another, if the subject is not immediately apprehended.

VEHICLE APPREHENSION: The period of time between an officer observing a violation or developing reasonable suspicion for a stop and when the suspect vehicle comes to a complete stop.

FAILURE TO STOP: An active attempt by an officer, who is operating an emergency vehicle, to apprehend the occupant(s) of a vehicle, when the operator of such vehicle knows or should reasonably know that they have been ordered to stop and is resisting apprehension by ignoring the order to stop; however, the driver does not operate the vehicle in a reckless manner, nor attempts to elude the officer.

VEHICLE PURSUIT: An active attempt by an officer, who is operating an emergency vehicle, to apprehend the occupant(s) of a vehicle, when the operator of such vehicle knows or should reasonably know that they have been ordered to stop and is resisting apprehension by ignoring the order to stop and is actively attempting to elude the officer.

EMERGENCY EQUIPMENT: For the purpose of this directive, “emergency equipment” shall be all blue/red lights, flashing lights, siren, etc. installed or equipped in/on Police Department vehicles designated as emergency vehicles.

TIRE DEFLATION DEVICE (STOP STICKS): A vehicle tire deflating device that may be used as an aid in the termination of vehicle pursuits.

TERMINATE: To immediately stop or cease the pursuit.

PRIMARY UNIT: The initial pursuing law enforcement unit that assumes primary control of the pursuit unless relieved by another unit.

SECONDARY UNIT: The second law enforcement unit in a pursuit.

D. PROCEDURES

14.6.1 Levels of response to calls for service

1. Routine response; officer will drive with traffic and obey all traffic laws;
2. Emergency Response; see below.

Emergency Response: When an officer responds to:

1. Response is to comply with [FSS 316.072\(5\)](#) and [FSS 316.126\(3\)](#)
2. A possible life-threatening situation or serious in-progress crime
3. An unusual event/incident that requires an immediate response by staff officers (Chief, Deputy Chief, Captains, Lieutenants, SWAT Operators, etc.)

14.6.2 During an emergency response or pursuit, officers will:

1. Drive with due regard for the safety of all persons and property;
2. Terminate a pursuit as instructed by a supervisor, or when it becomes apparent that the immediacy of apprehension is outweighed by a clear and unreasonable danger to the officer or others.

14.6.3 Officers will not initiate or continue a pursuit or emergency response if not in accordance with this directive. Officers must constantly evaluate the risks involved initiating or continuing a pursuit or emergency response. A pursuit may only be initiated if there is reasonable suspicion to believe that the operator of, or a passenger in, the vehicle pursued has an active warrant or has committed or is about to commit a crime listed in [Appendix A](#), attached hereto.

14.6.4 Even if a pursuit may be initiated or continued because there is reasonable suspicion to believe that the operator, or a passenger in the vehicle pursued, has committed or is about to commit a crime listed in [Appendix A](#).

The pursuit shall not be initiated or continued if the risks associated with the pursuit outweigh the need for apprehension as determined by a review of the following factors:

1. Reason for the response or pursuit; seriousness of the incident or charges;
2. Traffic density; pedestrian volume;
3. Weather/road conditions;
4. Speed involved;
5. Officer's driving skill/specialized training;
6. Time of day;
7. Type of area (business vs. residential);
8. Type of road; roadway conditions;
9. Condition of Emergency Vehicle;
10. Availability of additional police vehicles to assist at the scene or to intercept pursued vehicle;
11. Knowledge of the offender's identity and danger to the community if the suspect is not immediately apprehended;
12. Danger caused by the operation of vehicle being pursued.

14.6.5 Marked police vehicles engaged in an emergency response, day or night, will utilize emergency blue/red lights and siren. Only unmarked vehicles equipped with siren and authorized emergency blue/red lights will engage in an emergency response. In cases of crimes in progress, etc., the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene. Once the emergency response is terminated and when the use of lights and sirens are discontinued, officers will respond in obedience to all traffic laws.

14.6.6 Unmarked police vehicles not equipped with siren and an emergency blue/red lights will not undertake an emergency response. If dispatched to a high priority incident, they will respond in obedience to all traffic laws. Unequipped unmarked police vehicles will not engage in pursuit driving.

14.6.7 Non-sworn employees will NOT engage in emergency response or pursuit driving.

14.6.8 Officers will not engage in an emergency response or pursuit driving while transporting non-departmental persons (prisoners, witnesses, parents of juveniles, etc.) unless:

1. The passenger is a ride-along observer who has signed a Ride-a-long Request Waiver, or
2. When necessary to preserve life when a timely ambulance transport is not available.

14.6.9 The decision whether or not to initiate an emergency response will be determined by the responding officer in accordance with this directive.

14.6.10 A supervisor can change the response priority; officers may downgrade their response as necessary to ensure safety and to avoid endangering life and property.

14.6.11 Escorts:

1. Any routine, planned escort (over-sized vehicle, dignitaries, funerals, etc.) will be coordinated through the Special Operations Sergeant.

E. PURSUIT DRIVING

14.6.12 Initiating Officer Responsibilities:

Upon initiation of a pursuit, the pursuing officer will immediately report same to dispatch by stating via the radio that they're in pursuit and advise the following (if not previously provided at time of stop attempt):

1. Officer's assigned unit number;

2. Location and direction of travel;
3. Reason for the pursuit and any criminal charges;
4. License plate number and description of pursued vehicle;
5. Speed and driving action (reckless, slow, etc.) of suspect and officer;
6. Current traffic conditions.

14.6.13 All non-pursuing officers should refrain from non-essential radio traffic, except for short transmissions of their locations as safety permits, to allow the pursuing officer, supervisor, and dispatcher to communicate.

14.6.14 Supervisor Responsibilities:

Upon learning of an officer's involvement in a pursuit the supervisor will be responsible for the following:

1. The supervisor shall take immediate command of the vehicle apprehension/pursuit and maintain command unless relieved by an officer with a higher rank or position (not a more senior supervisor of the same rank) or until the vehicle apprehension/pursuit enters another jurisdiction and the other agency assumes command of the pursuit.
2. The supervisor will evaluate the vehicle apprehension/pursuit information and solicit any information deemed necessary from the primary pursuing officer.
3. The supervisor will authorize or terminate the pursuit after determining whether the pursuit involves an offense as defined in [Appendix A](#) and whether the pursuit conforms to the restrictions of this policy as outlined herein.
4. Once the vehicle apprehension/pursuit is authorized, it remains authorized until the primary officer terminates or the supervisor orders the vehicle apprehension/pursuit terminated.
5. The supervisor shall monitor the vehicle apprehension/pursuit and direct additional resources as required.
6. Factors in the decision to direct additional resources include, but are not limited to:
 - The nature and circumstances of the offense;
 - The number of subjects involved;
 - The number of officers involved and the need for support units

14.6.15 Communications Responsibilities:

Upon notification that a pursuit is in progress, Central Communications will comply with VCSO Policy governing pursuits.

14.6.16 Pursuit Tactics:

1. Motorcycles and unmarked vehicles with lights and sirens may engage in a pursuit only under the most critical and unusual circumstances where immediate apprehension is necessary to alleviate a danger to public safety. As soon as a marked police vehicle is available to assume the pursuit, the unmarked vehicle/motorcycle will withdraw from active pursuit. Motorcycles will not engage in pursuit in inclement weather.
2. Number of Police Units:
 - The primary unit in pursuit and one back up unit will be responsible for the actual pursuit. Other assisting units will take parallel courses and remain in the area of the pursuit.
 - No more than two police vehicles (to include patrol vehicles from other agencies) and one supervisor will follow behind the suspect vehicle in a pursuit.
 - The secondary unit will assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving.
3. The secondary unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than one supervisor no other units will follow behind these two units.

4. Passing Primary Pursuit Vehicle -- There shall be no attempt by officers to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a supervisor.
5. Overtaking Pursued Vehicle -- Overtaking or attempts to overtake a pursued vehicle is discouraged.
6. Controlled Access Highways -- Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access highway. The following options are to be considered:
 - Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.
 - Request assisting units to observe the exits available to the suspect vehicle.

14.6.17 Pursuits Initiated by Another Jurisdiction:

1. If requested by another jurisdiction and according to the policies for pursuit engagements, NSBPD officers may assist in a pursuit within the City limits provided all other provisions of this order are complied with.
2. If the pursuit is not in accordance with this order, NSBPD supervisors will inform the pursuing agency over the air that the NSBPD will not participate in the pursuit. Officers will also advise the pursuing agency of any known event(s) (e.g. a block party or a parade) that might be in the imminent path of the pursuit. If the pursuit is not terminated, the only authorized action for NSBPD officers is to block side streets for safety (paralleling is not allowed). NSBPD vehicles will not leave the City limits while assisting another jurisdiction without permission from an NSBPD supervisor.

14.6.18 Pursuits Initiated by NSBPD That Extend Outside City Jurisdiction:

1. If a pursuit extends beyond the City limits, only the two pursuing police vehicles and a supervisor will continue the pursuit. Pursuing officers and supervisor will constantly evaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.
2. If a pursuit extends beyond the County limits, the continuance of the pursuit shall be approved by the Operations Division Commanding Officer.

14.6.19 Traffic Control Devices:

Extreme care will be used when passing stop signs or red traffic signals. Police vehicles will stop to ensure that all vehicular and pedestrian traffic is aware of and has yielded. When two or more emergency operated vehicles approach an intersection at the same time from different directions where traffic control devices are installed, said devices and Florida law will determine the right-of-way.

14.6.20 Aerial Assistance:

Assistance from Volusia County Sheriff's Office Air One helicopter shall be requested by the supervisor. Aerial assistance, if available, will be utilized in accordance with this policy and in conjunction with VCSO Air One policy.

1. In the event the flight crew makes visual contact with the vehicle being pursued and notifies ground units of their status, the ground units will discontinue the vehicle apprehension/pursuit and reduce their speed to that which is reasonable and prudent, thereafter converging on the suspect vehicle as the flight crew relays directions.
2. Once Air One has assumed the primary vehicle apprehension/pursuit unit status, the supervisor will retain command of the vehicle apprehension/pursuit.
3. If the supervisor decides that the vehicle apprehension/pursuit must be terminated, the supervisor shall notify Air One of the decision to terminate the vehicle apprehension/pursuit.
4. Once Air One has been advised of the termination, all ground units will immediately terminate all pursuit related activity unless otherwise directed by the pursuit supervisor.

14.6.21 Forcible Stopping (Intervention Tactics):

Only the amount of force that is objectively reasonable to effectively bring an incident under control, while protecting

the safety of the officer and others, is used based on the individual officer's evaluation of the situation considering the totality of the circumstances.

1. Road blocking and ramming (unless deadly force is authorized) are prohibited.
2. Tire Deflation Device (Stop Sticks) use by assisting units is acceptable and will be used when:
 - A vehicle is or has recently been involved in a pursuit, or failure to stop incident.
 - The vehicle is not required to still be fleeing or actively engaged in an attempt to elude the police.
3. Only personnel trained in the use of the tire deflation device will use it for deployment.
4. Before deploying a Tire Deflation Device, personnel must communicate via the police radio of their intent to deploy, identify their deployment location and obtain approval by a supervisor.
5. Personnel will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, tree, etc., (Officer's patrol vehicle or any other vehicles are not appropriate protective barriers).
6. Tire deflation devices will not be used to terminate the pursuit of a motorcycle or three wheeled vehicles.
7. Personnel using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.
8. The tire deflation device will be inspected quarterly by the Patrol Supervisor of each respective patrol section to ensure its readiness and serviceability.
9. Repairs to the device and the ordering of replacement parts will be coordinated through the Department Training Coordinator (DTC). The NSBPD deploying officer will complete the Stop Stick Deployment Report to be submitted to the DTC.

14.6.22 Termination of the Pursuit:

A pursuit will be terminated under any of the following conditions:

1. When circumstances develop, taking into account the factors set forth in section 14.6.3, whereby continuance would cause reckless disregard for the safety of the officer or the public (pursuing officer or supervisory discretion).
2. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.
3. When so ordered by any supervisor or supervisor of jurisdiction into which a City pursuit extends.
4. When the pursued vehicle's location is no longer known by pursuing officers.
5. When radio contact is lost.
6. When the officer is unfamiliar with the area and is unable to accurately notify communications of his location and the direction in which the pursuit is proceeding.

14.6.23 Once a pursuit has been terminated, officers shall deactivate all emergency equipment and resume driving in compliance with all applicable traffic laws. Communications will be notified of the exact location and the fact that the suspect vehicle is not being followed.

14.6.24 Apprehension:

The primary unit, secondary units and supervisor are responsible for the activities at the apprehension site.

F. DOCUMENTATION/REVIEW

14.6.25 The primary unit shall be responsible for the completion of all reports including but not limited to, incident, accident, and arrest reports. Assisting officers will complete a supplement narrative documenting their involvement.

14.6.26 In the case of a vehicle apprehension/pursuit initiated by another jurisdiction, the supervisor shall direct an officer to complete an incident report.

14.6.27 The supervisor authorizing the vehicle pursuit shall complete the Blue Team Pursuit Report that details particulars of the vehicle pursuit. Upon completion, the BlueTeam report will be electronically forwarded to the Supervisor's Division Commanding Officer.

14.6.28 The Division Commanding Officer will determine if proper department directives were followed and identify any actual or potential deficiencies in training, policy, or equipment, and prepare a memorandum if needed for review by the Office of Professional Standards.

14.6.29 The Office of Professional Standards shall review the appropriateness of the pursuit. The Chief of Police shall determine the final disposition of any vehicle pursuit.

G. VEHICLE APPREHENSION/PURSUIT INVOLVING CRASHES

14.6.30 In the event that a vehicle apprehension/pursuit results in a vehicle crash involving significant property damage or any injury, an outside agency (Florida Highway Patrol if possible) will be contacted to conduct the primary investigation. This will in no way preclude the New Smyrna Beach Police Department from conducting a parallel investigation.

H. INITIAL TRAINING

14.6.31 Recruit officers shall receive training on agency policy during Field Training. The training shall be documented.

Revised: BSS 06/23

**Approved: Signature on file
Chief Eric Feldman**

APPENDIX A

Pursuit is authorized for the following offenses or the attempt to commit the offense as defined by [FS 776.08](#):

- treason
- murder
- manslaughter
- sexual battery
- carjacking
- home-invasion robbery
- robbery
- burglary
- arson
- kidnapping
- aggravated assault
- aggravated battery
- aggravated stalking
- aircraft piracy
- unlawful throwing, placing, or discharging of a destructive device or bomb
- leaving the scene of a crash with personal injury