

Pinellas County Sheriff's Office: Deadly Force Encounters with Moving Vehicles

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Abstract

The purpose of this research is to identify safe and effective operating procedures for dealing with suspects inside a moving vehicle. This study will consist of cases that have occurred at the Pinellas County Sheriff's Office from August 12, 2002 through April 1, 2006. An examination of the literature indicates this is not only an issue in Pinellas County, FL., but throughout law enforcement in our country. After examining all the factors in each case, the research will focus on developing better alternatives for these encounters. The findings will disclose that law enforcement can perform better in resolving these situations. By implementing sound policy and progressive training, officers will be given the tools to safely achieve this objective.

Introduction

The purpose of this research is to identify safe and effective operating procedures for dealing with suspects inside a moving vehicle. This is a case study of the deputy related shootings at the Pinellas County Sheriff's Office involving moving vehicles from August 12, 2002 through April 1, 2006. The agency began to notice a rise in the use of deadly force during the mid 1990's, and because of this increase, a change to the Deadly Force Policy was initiated. The 1997 policy, which was prior to the amended version, only had one provision in the "Restrictions on the Authorized Use of Deadly Force" section. The policy (1997) stated "Deputies shall not discharge their weapons at or from a moving vehicle unless it is absolutely necessary to do so in order to protect a law enforcement officer or other persons from death or great bodily harm" (p.1). After the policy change, which occurred on August 12, 2002, the general order added language to both the "Discussion" and "Restrictions on the Authorized Use of Deadly Force" sections. In 2005 the general order changed "Deputies" to "Members" in the initial restriction cited above.

In the policy section (2002) titled "Discussion" a paragraph was added that states:

When dealing with subjects in vehicles, deputies have a duty to stay out of the path of the vehicle. Deputies shall employ all reasonable means available to move to an area of safety if the vehicle becomes a threat. The use of deadly force on a subject in a vehicle does not eliminate the threat or danger posed by a moving vehicle (p.1).

The policy section (2002) on “Restrictions on the Authorized Use of Deadly Force” added a second provision and changed:

When encountering a vehicle, deputies shall use the appropriate safety measures and shall not place themselves in harms way by standing or moving in front of a vehicle, stand directly behind, or reach inside an operating vehicle (p.1).

The modification of the policy was necessary because of the number of incidents experienced by the Pinellas County Sheriff’s Office. For example, prior to the policy change ten out of the twenty department shootings between April 1, 1998 and August 12, 2002 involved a moving vehicle, compared to after the policy change on August 12, 2002, when there were a total of nineteen shootings with five that were vehicle related. The statistics reveal there was a fifty percent decrease after the policy change.

The Pinellas County Sheriff’s Office isn’t the only department that has been affected by these shootings. Across the nation law enforcement has been plagued by vehicle shootings that have sparked interest from various citizen groups, with even police administrators beginning to question their own policies and procedures.

The following excerpt from Police Magazine (Griffith 2005) will help illustrate this trend:

Official reports say that just before 4 in the morning on Feb. 6, 2005, officers of the Los Angeles Police Department saw a maroon Toyota Camry zip through a red light. Officer Steve Garcia and his partner, who has not been named publicly, gave chase. About three minutes later, the Camry ran up on the sidewalk and stopped. The officers parked behind the car, the Camry’s passenger door flew open, and a 14-year-old boy ran down the street. Garcia got out of the patrol car. Then the Camry’s driver, 13-year-old Devin Brown police say, made a fateful move. He either panicked and threw the car in reverse, rammed the patrol car to make a run for it, or tried to intentionally injure the officers. We may never know. But for one of these reasons, or maybe for another that’s not readily apparent, he reportedly reversed that Camry into the patrol car. Garcia opened fire, killing the boy. It was later discovered that the Camry had been reported stolen (p.1).

The question is whether or not law enforcement should shoot at a suspect posing an imminent threat to an officer in a moving vehicle. If the officer reacts by shooting at the suspect, this response is often met with inquiry by the media and criticism from citizen groups. The community at large often asks if something else could have been done, such as, “shoot out the tires” or “jump out of the way of the vehicle” rather than use deadly force. Is there a better strategy law enforcement could employ that would facilitate a reduction in these shootings? Is the answer a more restrictive policy that never allows officers to shoot at a moving vehicle or is it a compromise by integrating fundamentally sound

procedure with progressive tactical training, which would deliver a safe and effective approach to this dilemma? According to several internet articles from across the country, several metropolitan police departments have chosen to implement a further restrictive policy in place of ones that call for more interpretation and discretion by the officer.

According to Boston.com (Maguire 2006) the website reported the following:

Cities such as Boston, Cincinnati and Detroit have adopted restrictions on when officers should fire on moving vehicles. The article also stated that Boston's policy bans shooting at a moving or fleeing vehicle "unless the officer or another person is currently being threatened with deadly force by means other than the moving vehicle." It also says "officers shall move out of the path of any oncoming vehicle instead of discharging a firearm at it or any of its occupants" (p.2)

In American Police Beat Ingemunson (2006) informs:

The LAPD has revised their policy on moving vehicles to state, "an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants," it states on page one. If there is no escape, you may decide to fire, but "... any deviations from the provisions of this policy shall be examined rigorously on a case by case basis" (p. 2-3).

The Boise Guardian (2006) reports:

The Idaho State Police have a no shoot policy on moving vehicles, and that the Boise Police Department will be implementing a similar policy which focuses on advising the officer to move out of the way of the vehicle (p.1).

Finally, according to Baird in the Cleveland Plain Dealer (2006):

The Cincinnati police force, which underwent intense scrutiny by the federal government because of the number of police shootings there, developed one of the most restrictive shooting policies. It states that if someone tries to kill an officer with a car, the officer should dive out of the way, not open fire (p.2).

Clearly, without a doubt there are varying agency philosophies on this subject; consequently, there is a compelling need for law enforcement to consider the necessity of providing officers with a policy that is useable by the practitioner.

Ashley and Aveni (2006) made the following recommendations for guidelines that should be included in a department policy from the Police Policies Studies Council:

- Officers should not be absolutely forbidden to use deadly force – including firearms – against the occupants of a moving vehicle;
- The same objective reasonableness use of force standard applies when using force against a person in a motor vehicle;
- Shooting at a moving vehicle is essentially the same as shooting at the occupants; if firearms are to be used, then deadly force must be justified;
- Officers should weigh the possibility of failure against the likelihood of success in the given situation in which they find themselves;
- Officers should carefully evaluate the environment within which they are to use force, to determine if the likelihood of unintentional injuries or damage is unacceptable. Special attention should be paid to the potential for officers and civilians to be injured in a crossfire;
- Officers should make every reasonable effort to avoid placing themselves in harm's way, or in a position in which they could be attacked by a person in a motor vehicle;
- Officers should be mindful that, while use of force – and even deadly force – may be reasonable to prevent the escape of a violent fleeing felon, the heightened risk associated with using firearms against a moving vehicle, coupled with the lower probability of success, indicates that they should limit their use of firearms in these cases to those times when someone is in imminent peril;
- While a moving motor vehicle is one option with which a suspect may attack an officer, it's also possible that the officer will be attacked with other weapons. When shots are fired from a moving vehicle, the risk of serious injury to officers and civilians rises dramatically, and greater consideration may be given to the use of firearms in response (p.8).

The significance of this topic is evident when you stop and consider the number of mishaps that could occur as opposed to the desired effect of stopping the offender. The officer can miss the intended threat and hit an innocent citizen, or the officer may hit the suspect while the vehicle continues to travel aimlessly without anyone in control. The ability of the officer to determine the suspect's intentions is often based on the officer's perception of the suspect's actions. Is the suspect trying to flee or is the suspect really attempting to cause bodily harm to the officer? In fact, law enforcement officers may actually create this perception of bodily harm by unnecessarily placing themselves in a poor tactical position or not moving out of the way of the vehicle, when there is still considerable distance providing the officer with enough time to avoid the confrontation. Conversely, when the officer is in close quarters with suspect, the officer might not have any other safe alternative other than to engage the suspect. This type of situation creates a "high stress" and "in the heat of the

moment” for officers, which makes it difficult to weigh their actions against the potential risk to the public and the offender.

The basis for this study will be the cases that have occurred at the Pinellas County Sheriff’s Office during the prescribed time frame. All of the deputies included in this case study have been cleared of any wrongdoing by the appropriate authority; therefore, a review of their legal standing will not be conducted during this study. However, described below is a review of the case law that affects deadly force decision-making.

The following information was retrieved from Police Policy Studies Council (Ashley and Aveni 2006):

There are two United States Supreme Court cases that set forth the basic standards for use of force while making a seizure of a free person: *Tennessee v. Garner*, 471 U.S. 1 (1985), and *Graham v. Connor*, 490 U.S. 386 (1989). The first of these establishes the standard for the use of deadly force, while the second provides direction for assessing the reasonableness of all uses of force by an officer, up to and including deadly force. Both *Garner* and *Graham* are Fourth Amendment cases, in that they set standards for the use of force in making a detention, arrest, or other seizure of a free person which the U.S. Supreme Court has stated is properly analyzed under the Fourth Amendment. The standard is one of “objective reasonableness.” Put plainly, objective reasonableness means that which another officer is likely to have done under similar circumstances, without regard to underlying prejudice, bias or motivation.

In *Garner*, the Supreme Court said, in essence, that deadly force is only reasonable (1) when a person is an imminent threat of death or serious bodily harm, or (2) against a fleeing felon when the officer has probable cause to believe that the person has committed a life threatening felony, and other safe and available means of stopping the individual’s flight have been exhausted, provided that a warning has been given (if safe and feasible to do so). To directly quote the Court in *Garner*:

“Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.”

It goes without saying that deadly force is also appropriate to prevent the “infliction or threatened infliction of serious physical harm” mentioned by the Court. That’s called self-defense, and as

long as an officer reasonably believes that his or her safety or the safety of another person is at serious risk, deadly force is probably justified.

By the way, the U.S. Supreme Court and the federal circuits generally rely upon the definition of deadly force set forth in the Model Penal Code, being, "...force that the actor uses with the purpose of causing or that he knows to create a substantial risk of causing death or serious bodily injury."

In *Graham*, the Court stated that an officer's seizure must be examined within the totality of the circumstances as reasonably perceived by the officer. The *Graham* Court listed four factors against which an officer's actions must be measured to determine whether or not he or she acted reasonably in using force. Those four factors are:

- The imminent threat of serious physical harm to the officer or others;
- The degree to which the situation is tense, uncertain and rapidly evolving;
- The nature of the crime at issue;
- Whether the subject is resisting arrest or attempting to evade arrest by flight.

While the *Graham* Court did not prioritize these factors, subsequent federal case law has strongly indicated that the most important factor is whether or not the officer or others are faced with the imminent threat of harm, then whether the suspect is actively resisting arrest, followed closely by the degree to which the situation is tense, uncertain and rapidly evolving.

It's worth noting that "imminent" does not necessarily mean "immediate". A threat can be imminent, as in "about to happen", while not being immediate, as in "about to happen in the next instant". An officer's analysis of whether or not a threat is "sufficiently imminent" should be based on his or her reasonable perception of the totality of the circumstances surrounding the need for the use of force. An example might be a suicide bomber that an officer can see is wired with explosives. Depending on the bomber's reaction when challenged, an officer might reasonably use deadly force if he or she reasonably believes that the bomber's actions constitute threatened infliction of serious physical harm.

In *Graham*, the Court also took pains to stipulate that an officer's actions must be evaluated from the perspective of a reasonable officer on the scene. To quote the Court:

"The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.....The calculus of reasonableness must embody allowance for the fact that police

officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation (p. 3-5).

Both of the above cases are referenced in the Pinellas County Sheriff's Office Deadly Force Policy and are the cornerstone for their use of force decision-making. The policy (2005) also contains some other key paragraphs that affect the decision-making and application of deadly force, which states:

The most important purpose of law enforcement is the PROTECTION OF HUMAN LIFE.

Members must always bear in mind the use of deadly force shall be limited to situations of strong and compelling need involving the PROTECTION OF HUMAN LIFE. The decision to use deadly force must be based on the facts and circumstances known to the member at the time the decision is made. When making the decision to use deadly force, members shall consider the risk to innocent persons.

Deadly force cannot be used against a person simply because of the crime committed. Rather, the decision to use deadly force is based upon the imminent threat a person poses to the member or the public safety if allowed to remain at large (p.1).

All of the Pinellas County Sheriff's Office deputies receive traditional classroom instruction on deadly force decision-making when they first join the agency, as well as annual follow up instruction during their in-service training. In addition, the deputies also participate in practical exercises where they sharpen their decision-making skills in this area. Obviously the element of danger with a moving vehicle in a training environment is reason enough to avoid this issue, but as law enforcement professionals we must assume the responsibility to develop training for this situation.

As a result of investigating all the factors that would affect the decision-making process, the purpose of this research is to identify the "best practices" for this "hot topic." This study will provide a mechanism to learn how to better prepare our deputies for deadly force encounters with moving vehicles and an opportunity to present the findings to the law enforcement community.

Methods

The case study method will be used in this research. Each case will be reviewed in its entirety to provide all the details that relate to the deputies performance during the incident. In order to be sufficiently knowledgeable and prepared to review cases of this nature, a thorough literature review was conducted of professional law enforcement journals, as well as an Internet search of actual police shootings with vehicles.

The participants in this study are seven Pinellas County Sheriff Deputies that were involved in five different deadly force encounters with a moving vehicle. The Pinellas County Sheriff's Office Policy at the time of the five cases is shown as Appendix F. The research will consider all the factors that are relevant to the case study. The time frame of the study for equal comparative statistical analysis was fifty-one months before and after the policy change.

The Pinellas County Sheriff's Office Homicide Unit prepared a comprehensive case file for each incident. The file contains an incident synopsis, investigative case reports, transcript's of subject interviews, crime scene diagrams and forensic photographs. These case files are the basis for reviewing the response by the deputies involved in each shooting. Performance of the deputies was evaluated for relevant information that might be used to enhance agency policy and training.

The following summaries briefly describe the events that occurred in each case. For further information regarding the cases refer to the appendix, which provides a full incident synopsis for each case composed by the Pinellas County Sheriff's Office Homicide Unit.

Case #1 Summary

On April 23, 2004, deputies received information there was a stolen boat and trailer being towed by a truck in the area of 102 Avenue and 131 Street in Seminole, FL. A deputy located the truck and initiated a traffic stop. The truck stopped but then suddenly placed the vehicle in reverse and rammed the deputy's vehicle. A second deputy arrived at the location and attempted to box-in the suspect vehicle. The suspect accelerated his vehicle as the second deputy began to pass him trapping the front end of the deputy's vehicle between the truck and the trailer. Subsequently, the suspect started to drag the deputy's vehicle down the roadway, as oncoming traffic proceeded in their direction. The deputy trapped in the vehicle fired at the truck, as well as the first deputy at the scene drove along side the suspect's vehicle and also engaged the driver. The suspect was struck one time and then crashed his truck into a tree where he was taken into custody without further incident; however, the suspect did have a firearm in the truck with him. For further details see Appendix A.

Case #2 Summary

On May 2, 2004, two members from the street crimes unit, known as the STAR Team, attempted to stop a suspect for a possible narcotic's transaction and illegal tint on the suspect's vehicle in St. Petersburg, FL. After a short pursuit, the suspect vehicle pulled into a parking lot where the conditions were wet. The suspect skidded and spun around facing the corporal, who had been pursuing the vehicle, and ended up approximately one car length away from the corporal's vehicle. The corporal exited his vehicle as the back-up deputy arrived at the scene. The back-up deputy skidded as he pulled up along side the corporal's vehicle and then collided with the suspect's vehicle as the driver attempted to

flee from the parking lot. The back-up deputy was rammed by the suspect multiple times and felt he was in fear for his life; hence, both the corporal and the deputy fired their weapons at the suspect. The suspect backed up again and then drove directly at the corporal, who had to jump up on his vehicle hood to escape serious injury. Both deputies chased after the suspect's vehicle firing more rounds at the driver as he headed toward an occupied taxi on a nearby roadway. The suspect vehicle rolled into a ditch where it came to a stop; subsequently, the deputies discovered the suspect had been fatally wounded. For further details see Appendix B.

Case #3 Summary

On July 13, 2005, a deputy assigned to the STAR team attempted to pick up a wanted subject in Palm Harbor, FL. The suspect had three outstanding warrants for his arrest and was known to frequent his mother's residence. One of the members of the STAR Team was set up in a stationary surveillance position when the deputy observed the subject matching the description of the suspect at the residence. Once this was communicated to the other team members, one of the deputies on the detail responded to the location where he parked his vehicle on the street facing the suspect's vehicle, and attempted to make contact. The deputy attempted to make verbal contact with the subject as well as illuminating the vehicle he was in with his high beams. The suspect refused to comply with the deputy's commands and then began to flee placing the vehicle in reverse. The deputy on surveillance drove toward the suspect blocking the suspect's escape route. The driver subsequently changed directions and proceeded to drive at the initiating deputy who was now on foot. The deputy advised he pointed his weapon at the suspect and fired as he braced for impact, because he feared the suspect vehicle was going to strike him. The deputy fired one round at the suspect as he drove at him; however, the suspect was able to avoid being captured as other units continued to chase. The suspect eventually abandoned his vehicle and was later apprehended. For further details see Appendix C.

Case #4 Summary

On February 6, 2006, deputies were on the look out for three burglary suspects in St. Petersburg, FL. A deputy spotted the suspect vehicle and advised over the radio that he would pull in front of the suspect vehicle to box-in the suspect at the next intersection. Another deputy pulled behind the suspect and then the first deputy proceeded to exit his vehicle and move to the driver's side of the suspect vehicle on foot. The driver rammed the deputy that was behind him and then placed the vehicle in drive. The deputy on foot and closest to the suspect vehicle feared for his life as well as other deputies who were position to be struck by the driver. The deputy fired one round as he jumped back from the suspect vehicle. The driver continued to flee, until he and the other two occupants in the vehicle were all captured. For further details see Appendix D.

Case #5 Summary

On March 13, 2006, a deputy observed a vehicle at a high rate of speed that would not stop for him in Largo, FL. A short time later the squad sergeant in the area advised the vehicle was blacked out (no headlights) and stated, "We're letting him go." A second deputy observed the same violator run a red light at a nearby intersection. This deputy trailed behind the violator trying to obtain the vehicle tag information. The deputy continued to follow and requested permission to P.I.T. (Precision Immobilization Technique) the violator's vehicle. The squad sergeant asked the deputy what was his location and then moments later the deputy had already utilized the P.I.T. technique due to observing more reckless driving by the violator. The deputy's vehicle ended up facing the violator's vehicle on the roadway. The violator drove his vehicle and struck the deputy's vehicle and then backed up to strike the deputy a second time. At this point the deputy was in the process of exiting his vehicle as the violator drove at him again. As this was occurring the deputy was in a position where he feared for his life and fired at the violator three times. The suspect fled the scene and was apprehended a short time later. The violator was not struck by any of the rounds fired by the deputy. For further details see Appendix E.

Results

After reviewing the facts of each case, there are three key points that should be considered by law enforcement in their response to this type of situation.

The primary consideration for the law enforcement community to keep in mind is when the suspects were shot at during the described encounters, the vehicles remained in motion until they either crashed or the driver stopped the vehicle. This evidence supports what most of the literature has revealed that shooting at a moving vehicle is not an effective method for stopping a threat; however, this doesn't eliminate the fact there are some situations where this response would be appropriate. The involved officer needs to have the capability to use this level of force when the option to avoid a confrontation is not available. If the officer has their vehicle or another sizeable barrier available to provide a buffer between the suspect's vehicle and the officer, this would be the preferred way to initially handle the potential threat. After the vehicle has either fled or passed by the officer, other tactics could be employed to disable the vehicle such as the P.I.T. technique. During the instance where the suspect's intent is to injure the officer, and the distance between the suspect's vehicle and the officer is too close to move out of the way, shooting at the vehicle might be the officer's only viable option.

Secondly, the next point to be cognizant of is that in three out of five cases the rounds did not hit the suspect in the vehicle. This statement is not intended to be highly critical of the skills of the involved deputies, because shooting and hitting a moving target is not an easy task. Especially when an officer is shooting through a vehicle window, which will ultimately alter the bullet's path, once it

strikes the glass. When you consider the risk versus benefit for this situation, it appears in most cases there is more risk than benefit to be gained from this action. Taking into account that only two out of the five suspects were hit with body shots and their violent actions were stopped. Nonetheless, even if the officer hits the intended threat and the suspect is stopped immediately, the vehicle would still be traveling without anyone in control. Another critical point for the officer to remember is the shooting backdrop of the suspect's vehicle, because this is where innocent parties could be unnecessarily exposed to danger by being in the line of fire. In one out of the five cases reviewed, one errant round struck a citizen's vehicle, which reminds us of the fact that as law enforcement officers we are accountable for every round that we fire.

The tertiary point is in reference to an officer's positioning when they're on foot in relation to the suspect's vehicle. In four out of the five cases the facts reveal the shooting occurred at some point while the officer was on foot and not in their vehicle. This is an area where law enforcement training could potentially have a significant impact on an officer's performance should agencies add realistic practical scenarios on this subject to their training. In *Police Magazine*, Stapp (2006) supports this conclusion by making the comment, "this is the key tactical concern that police trainers must address to prevent these tragic incidents is the positioning of the officers at the time of the incident" (p. 58). The scenario based training will provide the officers with a mental image of some "What ifs" before they actually occur in the field. This mental image will provide the officer with a basis for developing reactionary skills to deal with the presented stimulus during an encounter, by emphasizing the importance of adjusting their positioning around vehicles, as the event unfolds. It will also make the officer more aware that certain positions around a vehicle should be considered more dangerous than other positions, when they find themselves in close quarters with the suspect's vehicle. Certainly, if the officer can remain in their vehicle or at another position of cover while dealing with the suspect and then call the suspect back to their location, this would ideally be the best way to handle this situation. The reality of these encounters is that police work is inherently dangerous and incidents do not always go as planned; therefore, officers should have other options available when faced with this situation.

Discussion

Prior to conducting this research, the Pinellas County Sheriff's Office had only offered classroom instruction on this subject and did not have any practical training developed. In conjunction with the recent department shooting incidents and our agency's desire to elevate our training on this subject, this project has been the catalyst for finding a solution to this problem. Furthermore, by the Pinellas County Sheriff's Office identifying this problem and initiating new training on this subject, the agency has demonstrated a good faith effort to rectify this problem.

During the process of examining this issue, it has become apparent that some metropolitan police agencies do have a policy in place regarding shooting at moving vehicles, and it appears these agencies rely mainly on their policy to guide their officer's actions. If the agencies were willing to adopt a more progressive outlook for their policies and training, their officers would undoubtedly begin to make better decisions, when confronted with these circumstances. This inference is based on the fact that progressive training techniques have yielded tremendous results in our profession for many years. When agencies have trained their officers for other highly stressful events through realistic scenario training in the past, this method has proven to be successful in expanding their capacity to effectively handle critical incidents. The scenario training provides the officers with a mental image of being in a particular situation, before they actually experience it in real time. After the officers are exposed to several training sessions with varying conditions, a memory is created in the officer's mind. This memory allows the officers to subconsciously feel as if "I've been here before." The collection of all of these experiences forms a mental file known as the mental rolodex, which provides the officers with the ability to react properly under stress.

Recently the Pinellas County Sheriff's Office Law Enforcement Training Section developed and implemented a course during in-service training, which focuses on this very subject and covers all of the elements on this topic. The day consists of lecture, vehicle operations, felony traffic stops, and practical exercises using stationary vehicles. This is the type of training day that will help lay the foundation for the officer's mental rolodex and prepare them for future encounters with suspects that refuse to surrender in a vehicle. Additionally, the training section also uses a simulator on a different training day to expose the members to a shoot and don't shoot vehicle scenario that would be virtually impossible to recreate with "live" role players due to the potential for injury. If departments are willing to follow this philosophy, policies that exist which limit their officer's discretion will begin to slowly diminish, while other flexible ones that provide latitude in their decision making will become more prevalent. The only way for agencies to accomplish this goal would be to initiate specific training on this subject during their in-service programs, while ensuring their training and policy complement one another. By implementing a comprehensive training strategy for this subject, law enforcement will be on the cutting edge of solving a difficult dilemma, as well as playing a vital role in protecting our citizens, officers and agencies from the dangers associated with this issue, as well as from the litigious society that we live in today.

Lieutenant Bill Hagans has been with the Pinellas County Sheriff's Office since 1990. Bill has spent the majority of his career assigned to the special operations division to include the SWAT team as a member and Assistant team leader. Bill is also an adjunct instructor for the St. Petersburg College teaching courses on law enforcement tactical operations. Bill has an Associates degree from St. Petersburg College and a Bachelor's degree in Sociology from the University of South Florida.

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Appendix A
Case #1

Synopsis: On April 23, 2004, at approximately 1330 hours, a BOLO (Be on the Look Out) was broadcast in reference to a stolen boat and trailer, which had been observed in the area by the victim's father. A deputy and eventually a detective, who was working as a Patrol Deputy on this date, subsequently observed the boat and trailer being towed by a truck. One of the deputies attempted a traffic stop on 102 Avenue and 131 Street in Seminole, FL. The suspect operating the truck, in an apparent attempt to cause the deputy's airbag to deploy intentionally backed into the deputy's vehicle. The airbag did not deploy, and the detective drove past the deputy and attempted to block the suspect's vehicle from the driver's side, when his vehicle became entangled with the boat trailer and then the suspect fled. The deputy engaged in a pursuit of the stolen boat and trailer, which was being pulled by a white Ford utility truck driven by the suspect. The pursuit continued northbound on 131 Street, and the detective was unable to free his vehicle from the boat trailer, which was wedged between the truck and the trailer. The suspect, in an attempt to dislodge and injure the detective, swayed the boat trailer with the detective's vehicle attached into on coming traffic. This was done in attempt to create a head on collision with the oncoming vehicles. As a last resort, the detective and the deputy shot at the suspect during the pursuit, who also had a firearm, but did not use it. The detective shot through his front windshield and the deputy drove along the suspect's vehicle driver's side and engaged the driver. The deputy's round struck the suspect on the left side, and the wound was non-fatal. A follow up investigation revealed that the detective, while in his vehicle, had been dragged by the suspect's vehicle approximately 3200 feet.

Appendix B
Case #2

Synopsis: On May 2, 2004, at approximately 0030 hours, the Pinellas County Sheriff's Office STAR Unit (street crimes unit) was in the area of the LaQuinta Inn, located at 4999 34 Street north in St. Petersburg, FL. They had been alerted to possible narcotics' dealing that was occurring one of the motel rooms. A "cash exchange" was observed and the deputies made contact with a white male. The white male advised he was paying back a debt to a dealer for a previous cocaine transaction.

Surveillance of this area continued and a undercover deputy in a vehicle observed a black male, believed to be the same one involved in a earlier "cash exchange" with a white female standing beside a white Ford pickup truck. At approximately 0056 hours, the undercover deputy advised other Pinellas County Sheriff's Office marked units about his observations via radio. He advised that the tint on the windows was jet black and illegal.

He radioed to the other units when the truck left the LaQuinta Inn parking lot. The STAR Unit Corporal requested twice over the radio for the undercover deputy to advise of the probable cause for the traffic stop. Each time he was advised of the window tint being illegal. The corporal and another deputy in separate vehicles prepared for a traffic stop on 34 Street and 38 Avenue North. The corporal activated his overhead emergency lights, and then the suspect's vehicle changed lanes and sped up to approximately 60 MPH. The corporal activated his siren and notified the Pinellas County Sheriff's Office Communications Center via radio the vehicle was fleeing, and that he was in pursuit. The corporal advised his speed, conditions of the roadway and vehicular traffic.

At 34 Street and 22 Avenue north the suspect slowed and was giving indication the vehicle was preparing to stop. The suspect's vehicle entered the parking lot to Po Folks Restaurant, located at 2001 34 Street north. The other deputy was behind the corporal, and then once in the parking lot, the suspect's vehicle spun out approximately 270 degrees. The suspect's vehicle was now at about a 45-degree angle, and pointed toward the corporal's vehicle approximately one car length away.

The corporal exited his vehicle and gave verbal commands to the driver to show his hands. The suspect's vehicle began to pull forward to the corporal's vehicle from left to right in an apparent attempt to flee. As the suspect's vehicle pulled forward the other deputy with the corporal pulled his vehicle along the passenger side of the corporal's vehicle and skidded past into the path of the suspect's vehicle and both vehicles collided. There were actually two contacts between the suspect's vehicle and the deputy's vehicle, one in rapid succession with another. The initial contact

pushed the deputy's vehicle sideways about three inches. The suspect's vehicle continued forward as the deputy's vehicle was still moving forward about one to two feet, striking the vehicle again. The suspect's vehicle accelerated rapidly, causing the rear tires to spin. The front bumper of the suspect's vehicle was in contact with driver's side front, including the driver's side door of the deputy's vehicle. This coupled with the revving motor and tires spinning, caused the deputy to feel in fear for his life, as it appeared the suspect was trying to cause harm to the deputy by ramming his vehicle. The deputy screamed that he was trapped and he could not get out of his vehicle due to the damage to his driver's side door. The deputy drew his weapon and fired one round through his driver's side window. This round is believed to have skipped off the lower part of the passenger side windshield of the suspect's vehicle.

The corporal observing the suspect's vehicle collide with the deputy's vehicle heard the deputy scream and saw the suspect ramming the vehicle and not attempting to back away. The corporal fired his weapon three times in an attempt to stop the threat of harm to the deputy. The rounds struck the suspect's vehicle passenger side on the lower corner of the windshield.

The suspect's vehicle backed away and was spinning the tires again. The corporal continued giving commands for the driver to stop. The suspect's vehicle stopped again, and then at this point, the corporal was standing in front of his vehicle, but not directly in front of the suspect's vehicle. The suspect's vehicle was backed up so it was again at 45-degree angle in relation to the corporal's position. The suspect turned the wheel to his right and quickly accelerated directly at the corporal as he fired one round at the suspect striking the windshield on the passenger side. The suspect's vehicle spun its tires while accelerating forward and then struck the corporal. The corporal was able to push off from the hood of the suspect's vehicle and wound up on the hood of his vehicle as the passenger side of the suspect's vehicle struck the corporal's vehicle on the front passenger corner. The corporal stated if he hadn't pulled his legs up onto the hood of his vehicle, his legs would have been pinned and/or crushed between the vehicles. During this time, the deputy had pulled his vehicle forward slightly, forcing his way out of the damaged vehicle. The deputy unintentionally left his vehicle in "drive" and then the vehicle rolled towards the Po Folks Restaurant, and ultimately came to rest at a curb stop in the parking lot.

Both the corporal and the deputy ran along the passenger side of the suspect's vehicle as it traveled westbound to the exit of the parking lot. Each deputy fired five more rounds at the suspect, striking the suspect's vehicle along the passenger's side. The

deputy said he thought the suspect was firing at him. The deputy said he heard gunshots and saw glass breaking on the side of the truck, so he returned fire, but wasn't sure where the rounds were coming from at that point. Both the corporal and the deputy stated they were not aware of the other's position, until after the suspect's vehicle came to a stop.

The corporal and the deputy both stated that a taxicab had stopped on 34 Street, directly in the path of the suspect's vehicle. Both members indicated they were trying to force the suspect's vehicle to a stop to prevent the imminent threat to others. The corporal advised there was an immediate threat to the cab driver in particular. The suspect's vehicle went over a curb, continued west through a bush line into a ditch and up the other side of the ditch to within 20-30 feet of the taxicab.

There were a total of fifteen rounds fired, nine which struck the suspect. Fourteen of the rounds were accounted for, with one round, which apparently deflected off the windshield. The wounds to the suspect were fatal and he died at the scene.

Appendix C
Case #3

Synopsis: On July 13, 2005, at approximately 2355 hours, a deputy fired his department issued Glock 21 one time at the suspect, who was perpetrating the criminal offense of aggravated assault with a deadly weapon on a law enforcement officer in Palm Harbor, FL. The fired bullet shattered the driver's side glass window; the bullet and shattered glass struck the suspect on his right arm causing minor injury.

Earlier on July 13, 2005, the STAR Unit received information from a probation officer that a wanted subject had three 3 valid warrants for his arrest, including violation of probation for possession of firearm by a felon. STAR Unit deputies set up a stationary surveillance on the residence of the suspect's mother. One of the STAR team deputies was acting in an undercover capacity operating in an unmarked department vehicle. The undercover deputy observed a 2000 Oldsmobile Alero at the target residence, and observed a subject matching the description of the suspect. The undercover deputy relayed this information via radio to other STAR team members. One of the deputies hearing the broadcast responded to the location with intent of making contact with the suspect.

The deputy was wearing the issued STAR uniform (black tactical uniform) and operated a "slick top" (no visual signals) marked Pinellas County Sheriff's Office vehicle. The deputy arrived from the east on the target street making contact with the possible suspect in the back seat behind the driver's side of the Oldsmobile. Now the deputy's vehicle and the Oldsmobile were facing each other, and the deputy exited his vehicle leaving his high beams on to illuminate the suspect still in the back seat. The suspect stood up and faced towards the deputy. The deputy confirmed the suspect matched Florida Driver's License photograph he had accessed from his vehicle computer. The deputy verbalized for the suspect to "come here." The suspect failed to comply and went from the back seat area of the vehicle to the front seat, while the deputy verbalized a second time for the suspect to "come here."

The deputy became suspicious of the driver's action and unholstered his weapon. The suspect refused to obey the deputy's commands and entered the Oldsmobile and placed the vehicle in reverse. The Oldsmobile traveled in reverse away from the deputy. The undercover deputy began to drive towards the rear of the Oldsmobile blocking his escape route. The suspect placed his vehicle in drive and drove directly at the deputy. The vehicle entered the front yard of the target residence by turning right and then making a turn to the left as it straighten its path through the

front yard of the target residence. The deputy, who had unholstered his firearm, was certain the vehicle was going to strike him. He aimed his firearm at the silhouette of the suspect on the driver's side of the windshield. The deputy stated he fired his handgun and then braced for the impact of the vehicle against his body. The deputy is uncertain as to his exact location when the shooting occurred. The deputy observed the driver's window shatter, and then returned to his vehicle to chase the suspect.

The undercover deputy's statement corroborates with the deputy involved in the shooting; however, with one exception that after the suspect placed the vehicle into drive, the vehicle drove into the yard and then made a left turn directly at the deputy. The undercover deputy heard the gunshot, and then the suspect's vehicle turned right and away from the deputy. The undercover deputy followed the suspect until he abandoned the vehicle.

The suspect was later apprehended and stated he did not know the uniform deputy was a law enforcement officer, but even if he did, he wouldn't have stopped. The suspect also told the investigating detective his attempt was to escape and did not see anyone in his vehicle's path. The suspect sustained a non-fatal injury from possibly a grazing bullet wound to the underside of his upper right arm.

Appendix D
Case #4

Synopsis: On February 6, 2006, deputies were dispatched to a residential burglary in progress in St. Petersburg, FL. The complainant advised that three unknown black males were attempting to gain entry into her residence. Radio updates indicated that three suspects were leaving the occurred in a tan colored vehicle. A responding deputy, who was southbound on 28 Street approaching 54 Avenue north, observed a vehicle westbound on 54 Avenue from the 2800 block matching the suspect vehicle's description. A second deputy, who was eastbound on 54 Avenue north, observed the suspect vehicle as it passed him. Both deputies were able to catch up to the vehicle at the red light at 54 Avenue and 34 Street north. The suspect vehicle was the first car in the curb lane at the intersection and it had stopped for the red light.

The initial responding deputy, who was the first car behind the suspect's vehicle, advised via radio for the units involved to box-in the suspect's vehicle. The deputy drove around the suspect's vehicle and parked diagonally in front of it and activated his emergency equipment and lights. The second responding deputy then closed the gap behind the suspect's vehicle. The deputy that was blocking the front of the suspect's vehicle exited his vehicle and approached the suspect from the driver's side. At this point the deputy was perpendicular to the driver's side of the suspect's vehicle and was verbally ordering the driver to stop and show his hands. The deputy now had his handgun drawn and pointed at the driver of the suspect's vehicle.

The driver placed the suspect vehicle into reverse and rammed the deputy that was blocking the suspect's vehicle from the rear, causing the deputy's vehicle to move backwards. This provided the suspect vehicle with enough space to maneuver out of the boxed-in area. The driver shifted the vehicle into drive, revving the engine, and then accelerated forward.

The deputy, who was positioned by the driver's side of the suspect's vehicle, became fearful for his safety, as well as other responding deputies that were also in front of the suspect's vehicle in an attempt to prevent the suspect from escaping.

The deputy in an attempt to protect himself jumped backwards and fired one round at the driver of the suspect vehicle to stop the threat of the suspect. The deputy stopped firing at the suspect once the vehicle passed him and the other deputies. The suspect took evasive driving action and drove over the sidewalk and culvert on the northeast corner of the intersection narrowly missing two vehicles belonging to the other responding deputies.

The suspect then made a u-turn in the northbound lane of 34 Street and headed south on 34 Street north and 54 Avenue. The suspect along with two other occupants was pursued to 34 Street and 22 Avenue south where they were involved in three-vehicle crash. The suspects fled on foot and were apprehended shortly after by K-9 Officers. The deputies at the scene learned the suspect's vehicle had been stolen out of the City of St. Petersburg, FL. The one round that was fired penetrated the driver's side rear passenger door and did not strike any of the suspects.

Appendix E
Case #5

Synopsis: On March 13, 2006, at 2015 hours, a deputy was running radar on Ulmerton Road, west of 119 Street in Largo, FL. when he observed the suspect vehicle in a 1993 gold colored Lexus ES300. The vehicle was traveling eastbound at 54 MPH in a posted 35 MPH zone. The deputy attempted to stop the vehicle as it turned south on 119 Street, but the driver indicated he wasn't going to stop. Instead the driver accelerated, turned off the vehicle headlights and continued southbound on 119 Street. The deputy transmitted over his radio the temporary tag was unreadable. The deputy shut off his emergency equipment and did not pursue the Lexus; however, he did advise over the radio to other patrol units that the vehicle was last seen turning eastbound on Walsingham Road. The squad sergeant in this area advised he was close to Walsingham Road and Ridge Road while also noting the suspect's vehicle headlights were still off. The sergeant advised, "He's blacked out eastbound, we're letting him go, he went by me fast."

Another deputy was in the same area and observed the Lexus travel eastbound through the red light at the intersection on Walsingham Road and 113 Street. The deputy followed the vehicle and observed the Lexus turn southbound on Seminole Boulevard. At this time the deputy followed the vehicle south on Seminole Boulevard and started to monitor the suspect's driving. The driver had resumed operating the vehicle in a normal mode and the deputy positioned his vehicle behind a pickup truck that was between him and the Lexus, so that the driver wouldn't be able to detect him. The deputy advised via the radio he was going to "creep up" and attempt to obtain a tag number; also during the same transmission he advised that he was not going to chase the vehicle.

The deputy subsequently requested permission from the sergeant, who had earlier advised, "We're letting him go," if he could P.I.T. the Lexus (Precision Immobilization Technique) if he had an opportunity. The sergeant responded with a question asking the deputy; "what was his location?" The deputy answered he was still southbound on Seminole Boulevard and believed the suspect's vehicle would be eastbound onto 102 Avenue North. The Lexus continued southbound and the deputy maintained his position behind the truck. According to the deputy, the Lexus made an abrupt and reckless u-turn fleeing northbound on Seminole Boulevard. The deputy activated his emergency equipment and then the Lexus turned east onto 102 Avenue North, and while making the turn, the deputy applied the P.I.T. maneuver to the suspect's vehicle. The Lexus was struck on the rear of the

passenger side, and the maneuver caused the Lexus to spin around and eventually ended up on the 102 Avenue median, just east of Seminole Boulevard. The deputy began to exit his vehicle, which was also on 102 Avenue facing the suspect's vehicle in an eastbound direction. The Lexus came forward striking the deputy's vehicle on the driver's side front tire area. The deputy opened his vehicle door and attempted to challenge the suspect and draw his department issued Glock .45 caliber handgun. The Lexus backed up farther striking a green 2003 Buick Regal driven by a white female, and then drove at the deputy, who was still in the process of exiting his vehicle. The deputy stated he believed the suspect was going to ram his vehicle a second time, and stated he was in fear for his life so he fired three shots at the driver of the Lexus. One round struck the Lexus on the driver's side front bumper, and a second round struck a 1993 Buick Century that was occupied by a white female and her two daughters. The second round did penetrate the interior of the vehicle, and the third round was never found.

The Lexus fled the scene heading south on Seminole Boulevard with the deputy in pursuit. At 86th Avenue north the driver's side front tire of the Lexus began to disintegrate and eventually fell off the vehicle. This caused the suspect to lose control of the vehicle and he crossed over into the northbound lanes of traffic and struck a tree in the Sun Trust Bank parking lot located at 7405 Seminole Boulevard. The suspect fled after the crash and was subsequently caught and arrested behind the bank. The driver of the vehicle stated he ran because his driver's license was suspended, but also a search of vehicle revealed cocaine and marijuana, as well as \$3,800.00 in cash.

Appendix F

Deadly Force General Order 13-3

(See Attached)

(Note: This attachment could not be converted)

(Contact the Pinellas County, Florida Sheriff's Office for this Appendix)