

# WINTER HAVEN POLICE DEPARTMENT

## GENERAL ORDER 41.4

### Motor Vehicle Pursuits and Emergency Response

**ACCREDITATION STANDARDS:** CALEA – 41.2.2, 41.2.3; CFA – 14.05, 14.06, 14.07

**EFFECTIVE DATE:** October 30, 1995

**RESCINDS:** G.O. 41.4 April 23, 2018 and all applicable Amended/Temporary Orders prior to August 20, 2018

**LAST REVISED DATE:** August 20, 2018

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#### **POLICY**

It shall be the policy of the Winter Haven Police Department to conduct motor vehicle pursuits and emergency responses only when the necessity of immediate apprehension of a suspect or law enforcement intervention is required to prevent death or great bodily harm outweighs the level of danger to the community created by the pursuit or emergency response.

## **PURPOSE**

The purpose of this General Order is to provide guidelines and delineate the responsibilities governing the pursuit of motor vehicles and emergency responses.

## **SCOPE**

This General Orders shall apply to all members.

## **DISCUSSION**

Motor vehicle pursuits, emergency responses, and the apprehensions of criminals are necessary law enforcement procedures. Therefore, whenever a motor vehicle pursuit or emergency response is conducted, techniques listed herein shall be utilized in an effort to limit the exposure of risk to the citizens and members.

## **PROCEDURE**

- I. Pursuit Initiation (CALEA 41.2.2a)**
  - A.** Considering the restrictions contained within this policy, officers may engage in a pursuit when they have a reasonable suspicion that a fleeing suspect has committed or has attempted to commit a violent forcible felony as outlined in this General Order.
  - B.** Pursuits for misdemeanor offenses, traffic, civil infractions or all other pursuits are prohibited.
  - C.** A sworn member may initiate a vehicle pursuit in situations in which the suspect(s) is reasonably believed to have committed or has attempted to commit a violent forcible felony or the suspect poses a threat of violence to the public at large or the member. For the purpose of this General Order, violent forcible felony shall be when a suspect has committed or attempted to commit:
    1. Murder;
    2. Manslaughter;
    3. Armed robbery;
    4. Armed sexual battery;
    5. Arson to a structure reasonably believed to be occupied;
    6. Use of explosive devices to a structure reasonably believed to be occupied;
    7. Kidnapping;
    8. Armed carjacking;
    9. Burglary armed with a firearm;

10. Aggravated assault on a law enforcement officer with a deadly weapon (firearm, edged weapon);
  11. Aggravated battery on a law enforcement officer resulting in serious injury; or
  12. Any felony crime involving the use or threat of deadly force against an individual.
  13. Escape from a detention or correctional facility.
- D. The necessity of immediate apprehension of a suspect(s) shall not outweigh the level of danger to the community in initiating a vehicle pursuit.
- E. In instances where immediate apprehension cannot be made with reasonable safety, an officer shall attempt to obtain sufficient information to make an arrest at a later time.
- F. In considering the need for and the continuation of a pursuit, the member shall weigh the following factors, but are not limited to: (CFA 14.05a)
1. Is the suspect known to the member and could apprehension occur at a later date;
  2. Type of area where the pursuit will occur, i.e., business district, suburban or rural area, high density neighborhood, school zone;
  3. Nature and seriousness of the offense;
  4. Road conditions;
  5. Weather conditions;
  6. Police vehicle type and condition;
  7. Pedestrian traffic;
  8. Time of day;
  9. Officer's familiarity with area;
  10. Personal ability, experience and training in high speed driving;
  11. Visibility and illumination;
  12. Possibility of identification and apprehension at a later time; and
  13. Likelihood of successful apprehension.

**II. Officer Responsibilities (CFA 14.05b)**

- A. Members justified to initiate a pursuit shall immediately request emergency traffic and advise Communications of the following:

1. Location;
  2. Direction of travel;
  3. Traffic conditions,
  4. Approximate speed;
  5. Suspect and vehicle description;
  6. The offense committed or attempted; and
  7. The need for assistance.
- B.** When engaged in pursuits, members shall adhere to the following guidelines: (CALEA 41.2.2b, d)
1. While engaged in the emergency operation of an agency vehicle, members shall utilize emergency lights (with the exception of hazard warning lights) and siren. Members shall comply with emergency vehicle operations as outlined in this General Order and Florida State Statute 316.126, relating to operation of emergency vehicles. (CFA 14.07a, b, c)
  2. Only two agency vehicles are authorized to actively pursue; a primary unit and a secondary unit. (CALEA 41.2.2d)
    - a. The primary or secondary pursuit unit may transmit all communications relating to direction of travel, suspects, descriptions, and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions directly to the primary unit, the secondary unit, or Communications. (CFA 14.05c)
    - b. The primary pursuit unit shall not be passed during the pursuit unless authorized by the primary pursuit member.
    - c. Unmarked units may pursue motor vehicles as a primary pursuit unit only until the arrival of a marked unit. (CFA 14.05d)
    - d. The unmarked unit shall continue as the secondary unit until an additional marked unit arrives. Upon the arrival of the second marked unit, the unmarked unit shall terminate active involvement in the pursuit.
    - e. Motorcycles or vehicles not equipped with emergency lights and sirens shall not engage in pursuits.
  3. Primary and secondary units shall not drive parallel to each other during the pursuit, except during an authorized pass.
  4. Pursuit units shall not drive on the wrong side of any roadway, interstate highway, controlled access highway, on/off ramps, divided highway, or the wrong way on one-way streets.

### **III. Backup Units**

- A.** Additional backup units may be assigned by the pursuit supervisor and shall only be assigned as needed for the apprehension of violent fugitives, suspects of violent forcible felonies, multiple fleeing vehicles, or multiple occupants in a fleeing vehicle. (CALEA 41.2.2c, d)
- B.** The secondary unit is authorized to pursue at a safe distance to assist the primary unit.
- C.** All units other than the primary and secondary units shall suspend communications unless ordered by the pursuit supervisor or when necessary to relay significant information.
- D.** Support vehicles may be assigned active roles including, but not limited to, being assigned to potential termination locations and transport equipment or members.
- E.** Members not directly involved in the pursuit, who are responding and being coordinated as additional support, shall drive their vehicles in a safe and prudent manner.
- F.** Members shall not leave their assigned work areas to engage in a motor vehicle pursuit, unless assigned by the pursuit supervisor.

### **IV. Communication Responsibilities (CFA 14.05e)**

- A.** Communications for the Winter Haven Police Department are contracted through the Polk County Sheriff's Office and handled by the Emergency Communications Center. Per Polk County Sheriff's Office General Order 41.3 (Motor Vehicle Pursuits), the Communications Section of the ECC shall: (CALEA 41.2.2e)
  - 1.** Upon notification of a pursuit in progress, immediately notify the appropriate patrol supervisor, monitor the pursuit, and provide communications assistance to those involved.
- B.** The radio channel on which a motor vehicle pursuit is initiated will serve as the designated pursuit channel for that particular incident.

### **V. Supervisor Responsibilities (CALEA 41.2.2f) (CFA 14.05f)**

- A.** Upon being notified of a pursuit, the on-duty supervisor shall:
  - 1.** Solicit and consider all information available and make a decision to continue or disengage the pursuit. The supervisor shall review all thirteen factors listed in this General Order. The supervisor shall notify the pursuing member to continue or discontinue the pursuit based on these factors.
  - 2.** Take command of the pursuit and shall maintain command unless formally relieved.

3. Request assistance from the Polk County Sheriff's Office Aviation Unit. Upon arrival of an Aviation Unit aircraft, it shall become the primary pursuit unit. The primary patrol unit and the secondary unit shall discontinue communications, decrease speeds, and follow at a safe distance.
  4. Be responsible for enforcing pursuit procedures, making note of unauthorized units engaged in or at the termination point of the pursuit, and any breaches of radio discipline.
  5. Monitor the pursuit and direct additional assistance as required. Factors in the decision to assign additional assistance include, but are not limited to, the nature and circumstances of the offense, the number of suspects, and the number of sworn members in the assigned pursuit units.
  6. Go to the scene of the terminated pursuit.
- B.** It shall be the responsibility of the supervisor to coordinate pursuits entering other jurisdictions. (CFA 14.05i)
- C.** If the vehicle being pursued leaves Polk County, the supervisor in charge shall request that the county being entered assume command of the pursuit. Units of this Department shall act as support units. If the county being entered does not assume command, the supervisor shall request that the county entered provide support units. (CALEA 41.2.2h)
1. The supervisor shall ensure that the agency into which the pursuit is entering or has entered is notified of the pursuit.
  2. Unless otherwise advised, units involved shall remain on their assigned frequencies.
  3. The supervisor shall keep the agency into which a pursuit is entering or has entered advised of pertinent information.
- D.** Supervisors may authorize assistance to other agencies conducting vehicle pursuits; however, the pursuit of vehicles fleeing from other agencies shall not be authorized unless it meets the criteria established in this General Order. When a pursuit involves other agencies, the following procedures shall apply: (CALEA 41.2.2h)
1. Communications shall relay all decisions relating to pursuit information to affected agencies.
  2. The authority to discontinue an inter-jurisdictional pursuit shall rest with the supervisor authorizing the pursuit.

**VI. Stop Sticks: (CFA 14.05g)**

- A.** The decision to deploy stop sticks can be made by a member engaged in the pursuit with supervisor approval. Stop sticks shall only be deployed by members who have received the appropriate training. The use of stop sticks is not considered use of deadly force and is encouraged as a means of terminating vehicle pursuits. (CALEA 41.2.3a, c, d)

- B.** Stop sticks shall be deployed as follows: (CALEA 41.2.3b)
1. Stop sticks should be deployed in the roadway in advance of the vehicle pursuit. Members, other than the primary and secondary pursuit vehicles, shall be responsible for deployment. Stop sticks should only be used in a safe manner without jeopardizing the safety of the members involved or other persons.
  2. Stop sticks may be deployed as single units or in combination of two or more. The width of the roadway to be covered and the time available for deployment shall determine the number of stop sticks used.
  3. Members involved in the deployment of stop sticks shall redirect civilian vehicle traffic away from the deployment area.
  4. Stop sticks are designed to be deployed when the vehicle to be apprehended is traveling at ten miles per hour or greater. Stop sticks are not effective at lower speeds.
  5. Stop sticks shall not be used to apprehend motorcycles or other two wheeled vehicles.
  6. Members deploying stop sticks shall notify all units engaged in a pursuit of the location and deployment, on the active radio channel, used by the pursuing members.
  7. Deploying members can use their patrol vehicles to channel the fleeing vehicle toward the path of the stop sticks provided the following:
    - a. Emergency equipment is activated.
    - b. At least two traffic lanes are available for the target vehicle and pursuing members without crossing a grass or elevated concrete median.
    - c. Members have exited their patrol vehicles and assumed a safe position.
  8. Deploying officers should immediately remove the tire deflation device from the roadway when no further need for deployment exists and it is safe to do so.
- C.** Members may use stop sticks or other tire deflation equipment issued by the Department as a pursuit prevention measure for stationary vehicles.
1. Stop sticks may be used in the following situations:
    - a. Driver license/DUI checkpoints;
    - b. Suspect surveillance;
    - c. Drug raids;
    - d. Search warrant service;

- e. Arrest warrant service; and
  - f. Other situations where the movement of a stationary vehicle must be prevented.
2. Members should place one device in front of a front tire and one behind a rear tire. A single device may be used if the vehicle's direction of travel is certain.
  3. Members may place tire deflation devices at their discretion in stationary vehicle situations; however, their supervisor shall be notified of the deployment.
- D.** Communications shall be advised of the location of the stop stick deployment.
- E.** Use of stop sticks to terminate a pursuit shall be documented on the Vehicle Pursuit report in the AIMS System.

**VII. Ramming (CALEA 41.2.3a, b)**

- A.** Ramming shall be considered deadly force and may only be authorized by a supervisor as a last resort use of force when immediate protection of life is necessary.
1. If ramming is authorized as a use of force for immediate protection of life, a Use of Force Report shall be completed in the AIMS System.

**VIII. Roadblock (CALEA 41.2.3a, b)**

- A.** The use of a roadblock as a means of apprehending a fleeing vehicle endangering life and property is authorized when all of the following conditions are satisfied:
1. Every other reasonable effort of apprehension has failed;
  2. Emergency lights and other warning devices are operating to afford any approaching vehicle the opportunity to stop;
  3. The roadblock is not located in such a place nor situated in such a manner as to needlessly endanger any innocent person;
  4. The use of a roadblock is warranted by the seriousness of the offense or potential hazard to the safety of persons or property; and
  5. Criteria for establishing a roadblock shall require that the hazards or risks to the general public would be greater in the absence of a roadblock.
- B.** When a roadblock is determined to be necessary, the following procedure shall be followed:
1. Obtain approval from a supervisor prior to establishing a roadblock;
  2. Supervisor should be present at the scene of the roadblock. (CALEA 41.2.3d)

3. Assemble the members and equipment necessary to establish the roadblock;
4. Brief all members assigned to the roadblock with the purpose of the roadblock, limitations imposed and the specific duties to be performed;
5. Establish the roadblock. The roadblock should provide an escape route for law enforcement officers and the public;
6. Advise the supervisor and Communications of the time the roadblock was initiated. Communications should be advised of the location of the roadblock and the units involved;
7. The supervisor shall continuously monitor the roadblock to ensure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks; (CALEA 41.2.3d)
8. The roadblock shall be immediately discontinued upon accomplishing its goal or when the risks involved outweighs the public's safety; and
9. Advise the supervisor and Communications of the time the roadblock was discontinued.

**IX. Termination of Pursuit (CALEA 41.2.2g) (CFA 14.05h)**

- A. When there is clear and unreasonable danger to the public or sworn members involved, the pursuit shall be discontinued.
- B. The initiating member or any supervisor is justified in terminating the pursuit if, based on their judgment, the danger to the public or members outweighs the need to stop the fleeing vehicle.
- C. The decision to terminate a pursuit shall include, but not limited to the following conditions:
  1. Pedestrian and/or vehicular traffic;
  2. Weather conditions;
  3. Visibility;
  4. Road conditions;
  5. The type of unit being operated by the sworn member;
  6. The offense for which the suspect is being pursued;
  7. The identification of the vehicle and/or suspect; and
  8. The appropriateness and probability of apprehension on a later date.

- D. All sworn members involved shall immediately terminate and disengage from a motor vehicle pursuit, when ordered to do so by the supervisor who has assumed command of the pursuit.
- E. A pursuit shall be considered terminated when all sworn members have met the following criteria:
  - 1) Have disengaged all emergency equipment.
  - 2) Turn their police vehicles in another direction and travel away from the suspect's vehicle or pull to the side of the road if on a limited access roadway, and advise Communications of this fact along with their location.
  - 3) If the vehicle that was fleeing stops.

**X. Administrative Review of Pursuits (CALEA 41.2.2i, 41.2.3e) (CFA 14.05j)**

- A. Immediately following a pursuit, including assistance to other agencies, all members involved in the actual pursuit shall complete a report.
  - 1. The primary member shall initiate the original report. All other members involved in the pursuit shall complete a supplemental report. Each report shall contain an account of the member's involvement in the pursuit.
  - 2. A supplement report shall be completed by the supervisor who was in command of the pursuit. This report shall document the supervisor's actions and involvement.
- B. The supervisor in command of the pursuit shall complete a Vehicle Pursuit report in the AIMS System on all pursuits including assisting other agencies.
  - 1. The supervisor shall attach copies of the original and all supplement reports to the Vehicle Pursuit report in the AIMS System.
  - 2. The supervisor shall review all documents and make a recommendation of:
    - a. Pursuit was within policy;
    - b. Pursuit was outside policy;
    - c. Policy review recommended;
    - d. Training recommended; or
    - e. IA recommended.
  - 3. The supervisor shall forward the Vehicle Pursuit report via the AIMS System and related reports to their Bureau Commander.

- C. The Bureau Commander shall review the pursuit and either approve or disapprove the supervisor's recommendation. The Bureau Commander shall forward the Vehicle Pursuit report via AIMS and all reports to the Chief of Police via the chain of command.
- D. The Chief of Police shall review the pursuit and either approve or disapprove the recommendations.
- E. Once review of a pursuit is completed, the Vehicle Pursuit report and all copies of reports shall be maintained by the Inspector in the AIMS System
- F. Annually the Uniform Services Bureau Commander shall conduct an analysis of all motor vehicle pursuits to include a documented review of the pursuit policies and reporting procedures. (CALEA 41.2.2j,k)

**XI. Administrative Review of Roadblocks and Forcible Stopping (CALEA 41.2.3e)**

- A. Immediately following the implementation of a roadblock or forcible stopping event, to include the assistance of other agencies, all members involved in the event shall complete a report.
  - 1. The primary member shall initiate the original report. All other members involved in the event shall complete a supplemental report. Each report shall contain an account of the member's involvement in the event.
  - 2. A supplement report shall be completed by the supervisor who was in command of the event. This report shall document the supervisor's actions and involvement.
- B. The supervisor shall forward copies of the original and all supplement reports to the Uniform Services Bureau Commander.
  - 1. The supervisor shall review all documents and make a recommendation of:
    - a. Roadblock/Forcible Stop was within policy;
    - b. Roadblock/Forcible Stop was outside policy;
    - c. Policy review recommended;
    - d. Training recommended; or
    - e. IA recommended.
- C. The Uniform Services Bureau Commander shall review the pursuit and either approve or disapprove the supervisor's recommendation. The Bureau Commander shall forward the all reports and recommendation to the Chief of Police.
- D. The Chief of Police shall review the reports and either approve or disapprove the recommendations.

**XI. Initiating an Emergency Response (CFA 14.06)**

- A. Emergency response is with full emergency equipment in operation. It is a steady, continuous, and direct response to situations in which human life is known to be in danger. The member shall use the appropriate degree of emergency response authority necessary to provide a prompt response.
- B. An emergency response to a call may be initiated or canceled by:
  - 1. A supervisor;
  - 2. An officer;
  - 3. Communications personnel;
  - 4. Units responding to a "member-in-trouble" call shall initiate an emergency response;
  - 5. Any member may request for a backup unit to initiate an emergency response.
- B. Members are authorized to initiate an emergency response to calls where there is a high probability of death or injury, an in progress felony, or responding to a request for an AED.
  - 1. When utilizing an emergency response, a member shall consider that arriving at the scene safely is always more important than a few extra minutes gained by a high-speed response.
- C. Members shall not initiate an emergency response for Priority Two calls.
- D. If a member initiates an emergency response, the member shall notify Communications that they are responding in emergency mode (e.g. 10-18).
  - 1. If a call is downgraded and/or a member discontinues responding in emergency mode, the member shall notify Communications that they have discontinued an emergency response.

## **XII. Emergency Vehicle Operation**

- A. The provisions of this procedure and Florida law do not relieve the operator of a Department's vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the operator of a Police vehicle from the consequences of careless disregard for the safety of others. (CALEA 41.2.1)
- B. Vehicles engaged in emergency operations shall utilize emergency lights and headlights. The siren shall be used to warn vehicular and pedestrian traffic along the emergency route. The spotlight and public address system may be used as additional safety measures during emergency operations. (CFA 14.07a, b, d, e)
  - 1. Hazard lights shall not be operated while in engaged in an emergency response.

- C.** In accordance with Florida State Statute 316.072 (5) and 316.126, a member engaged in emergency vehicle operations may:
- 1.** Exceed the speed limit after weighing the risks of danger to life and property and after considering the condition of the road, traffic and weather.
    - a.** Many times the fastest and most efficient emergency response is when a vehicle is operated below the posted speed limit. Authorization by this General Order for a member to initiate an emergency response is not authorization for the member to operate a vehicle as fast as possible.
  - 2.** Proceed past a red stop signal or stop sign, but only after slowing down or stopping which may be necessary for safe operation. However, a police vehicle shall not enter a controlled intersection against the directed flow of traffic at a speed greater than 15 MPH and the driver shall be sure that cross-traffic flow has yielded in each lane before attempting to cross that lane.
  - 3.** Disregard regulations governing direction of travel, movement or turning in specified directions after weighing the risks of injury to life or property.
  - 4.** Disregard the laws governing the parking of vehicles under ordinary circumstances, except that a police vehicle shall not block access to a fire hydrant or a fire apparatus. Marked police vehicles should be strategically parked in roadways to protect crash scenes, injured persons or officers directing traffic, when such use is practical, and the emergency lights along with the four-way flashers shall be activated.
  - 5.** Florida State Statute 316.126, requires that emergency equipment shall be in continuous use when emergency vehicles are being operated beyond the laws regulating all other traffic. (CFA 14.07a, b)
- D.** The tactical approach is the technique used to approach a crime in progress when alternatives to the fastest most direct approach must be considered.
- 1.** The use of emergency equipment and other alternative types of approach shall be constantly evaluated by the responding member. Some of the factors to consider are:
    - a.** Use of emergency lights and siren are generally desirable when the member is not near the scene and when traffic congestion is heavy along the route which must be taken; (CFA 14.07a, b)
    - b.** When responding to certain emergency calls (e.g., robbery in progress, hostage situations), the use of emergency lights or siren at or near the scene may increase, rather than diminish, the hazard to those involved; (CFA 14.07a, b)
    - c.** Coordination of approach from different directions or waiting for backup units may dictate slowing or stopping on the way; and
    - d.** A silent or dark approach may increase the likelihood of apprehending a suspect.

- E. The on-duty supervisor is responsible for monitoring emergency vehicle response by members, upgrading or downgrading the response and controlling the number of units responding to the emergency call for service.

### **XIII. Emergency Assistance**

- A. A member confronting a vehicle containing sick or injured persons shall offer to summons emergency medical assistance and should render first aid pending their arrival.
- B. If the injured person can be moved to the police vehicle without further injury, the injured person may be transported in the police vehicle if no other alternative is reasonably available in a life-threatening situation.
- C. Members shall not provide emergency escort to civilian vehicles carrying injured or ill persons.

### **XIV. Seatbelts**

- A. Seat belts shall be worn at all times when the police vehicle is in operation.

### **XV. Training (CALEA 41.2.3c) (CFA 14.05k)**

- A. All members who drive any police vehicle shall be required to pass motor vehicle operation training when such training is conducted which will include roadblocks and forcible stopping.
- B. Initial training on agency policy for motor vehicle pursuits shall be completed during new member orientation via PowerDMS.

### **XVI. Definitions**

- A. *Great bodily harm* – A bodily injury that creates a substantial risk of death; causes/or could cause serious permanent disfigurement or results in long-term loss or impairment of the function of any part or organ of the body.
- B. *Marked unit* – An authorized law enforcement vehicle that is equipped with all of the following: functional roof-mounted emergency lights, sirens, and identified by a conspicuous paint scheme and Department insignia.
- C. *Primary unit* – The first unit directly pursuing a fleeing vehicle.
- D. *Pursuit* – An active attempt by a member in an authorized emergency vehicle to apprehend the occupant(s) of another vehicle. However, the driver of such vehicle must be aware of the attempt and willfully flees in an attempt to elude.
- E. *Pursuit supervisor* – A supervisor directly responsible for the coordination and safety of the pursuit.

- F. *Push bumper* – Any agency-approved push bumper, not including a factory-installed bumper guard(s), which has been installed by a Department approved technician or motor pool.
- G. *Ramming* – The deliberate act of the driver of an agency vehicle to forcibly strike a fleeing vehicle in an attempt to stop or disable it. This action may be considered to be a deadly protective action response to resistance within the "Response to Resistance Guidelines" enumerated in G.O. 1.5, Use of Force.
- H. *Roadblock* – A barricade or other obstruction of a roadway to reroute, stop, or prevent the escape of a fleeing vehicle.
- I. *Secondary unit* – The second unit which assists the primary unit and is directly involved in the pursuit.
- J. *Stop sticks* – Vehicle immobilization devices designed to puncture vehicle tires through the use of sleeved spikes causing rapid deflation of the tire(s).
- K. *Support unit* – Those units which may be directed to assist.
- L. *Unmarked unit* – Any law enforcement vehicle other than a marked unit.

APPROVED



**Charles E. Bird**  
**CHIEF OF POLICE**