

SUBJECT: PURSUIT AND EMERGENCY VEHICLE OPERATION

1.0 PURPOSE:

The primary purpose of this policy is to ensure officers and any member of the Minneota Police Department respect the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. This policy intends to provide officers with guidance in balancing the safety of the public, the safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law while minimizing the potential for pursuit-related crashes.

2.0 GUIDING PRINCIPLES:

- 2.1 A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.
- 2.2 The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1)).
- 2.3 No officer will be disciplined for terminating a pursuit.
- 2.4 Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2)).
- 2.5 The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless

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disregard of the safety of others (Minn. Stat. §169. 177). Officers should consider reducing their speeds and ensuring that the way is clear before proceeding through an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

- 2.6** Officers are encouraged to use their best judgment in operating emergency vehicles and in responding to emergency calls for service. Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

3.0 DEFINITIONS:

- 3.1** Pursuit: A multi-stage process by which a police officer initiates a vehicular stop, and a driver resists the signal or order to stop, increases speed, takes evasive action, and/or refuses to stop the vehicle. Once the driver refuses to obey the police officer's signal or order, this pursuit policy and procedure will determine the officer's and department's actions.
- 3.2** Termination of a Pursuit: A pursuit **SHALL** be considered terminated when the primary officer turns off the emergency equipment, resumes routine vehicle operation, and informs dispatch, or when the suspect vehicle stops.
- 3.3** Divided Highway: Any highway which has been separated into two or more roadways by 1) a physical barrier, or 2) a clearly indicated dividing section so constructed as to impede vehicular traffic.
- 3.4** Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- 3.5** Compelling Path: The use of a channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.
- 3.6** Flee: The term "flee" means to increase speed, extinguish motor vehicle

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headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).

- 3.7** Primary Unit: The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.
- 3.8** Support Units: The primary responsibility is to remain close to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.
- 3.9** Other Assisting Units: Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.
- 3.10** Ramming: The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.
- 3.11** Spike Strips: A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.
- 3.12** **Blocking or vehicle intercept:** A slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.
- 3.13** **Boxing-in:** A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
- 3.14** **Paralleling:** The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.

4.0 PURSUIT CONSIDERATIONS:

- 4.1** Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit and there is reasonable expectation of a successful apprehension of the suspect.

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4.2 Other factors to be considered:

4.2.1 The initial decision to engage in a pursuit shall lie primarily with the officer who has initiated the vehicular stop, after considering the elements of this policy, Minnesota state statutes, and public safety.

4.2.2 These elements shall include but are not limited to, the crime for which the suspect is wanted (the need to apprehend immediately) and the risk to the community created by the pursuit (traffic, area of pursuit, environmental factors, and weather conditions).

- Speed of the pursuit
- Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)
- Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)
- Approach to intersections that are controlled by traffic signals, signs, or other locations where there is an increased likelihood of a collision (Minn. Stat. §169.03)
- Environmental conditions (weather, visibility, road surface conditions)
- Special hazards (school zones, road construction, parades, special events)
- The ability to identify the offender at a later time.
- Age of the suspect and occupants
- Other persons in or on the suspect vehicle

4.2.3 Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations.

- The immediate need to apprehend the offender outweighs the risk created by the pursuit.

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- The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

4.2.4 Terminating a pursuit **SHALL** be considered a decision made in the interest of public safety. Many times, the termination of a pursuit is the safest and most appropriate action.

4.2.5 The officer's decision to continue a pursuit may be overridden by the Chief of Police at any time.

4.3 Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit, **SHALL** include the following:

4.3.1 Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?

4.3.2 Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?

5.0 PROCEDURES AND TACTICS FOR AN OFFICER ENGAGING IN PURSUIT:

5.1 Emergency vehicles **SHALL** be driven in a safe manner and with due regard for public safety.

5.2 Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.

5.3 The vehicles shall be known as the primary units, which will be the unit closest to the fleeing vehicle, and the secondary unit, which shall remain at a safe distance behind the primary unit but close enough to provide support and communicate with dispatch. Backup units as needed **SHALL** operate at a safe distance to provide support.

6.0 RESPONSIBILITIES OF THE PRIMARY UNIT:

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- 6.1** The driver of the primary unit **SHALL** notify dispatch of the pursuit and **SHALL** provide at least the following critical information to dispatch:
 - 6.1.1** Unit identification.
 - 6.1.2** Offense for which the suspect is being pursued.
 - 6.1.3** Suspect vehicle description, including license number if reasonably possible.
 - 6.1.4** Location, direction, and speed of both vehicles.
 - 6.1.5** Description of the occupant(s) and if the suspect is known to the officer.
 - 6.1.6** Any other important information about the suspect vehicle or environment that the pursuing officer determines is relevant based upon his best judgment. (for example, the suspect is traveling without lights, the officer loses sight of the vehicle, etc.)
- 6.2** Based on the known information, the highest-ranking officer **SHALL** decide to either take appropriate action or terminate the pursuit.
- 6.3** No officer will intentionally make vehicle-to-vehicle contact unless in conformance with the Departmental Policy on Use of Force M101-16.
- 6.4** Roadblocks established **SHALL** conform to Department Policy M103-5.
- 6.5** Only police vehicles with emergency lights and sirens will be used as pursuit vehicles.

7.0 PROCEDURES & TACTICS FOR SUPPORT UNITS:

- 7.1** Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.
- 7.2** When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.

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7.3 All participating units should operate under emergency conditions.

7.4 The use of a detached supervisor who is not directly involved in the pursuit, when available, should be considered. Based on the known information the supervisor, when available, shall monitor the pursuit to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4)).

(a) Procedures regarding control over pursuit activities should include:

- Verbally acknowledge they are monitoring the pursuit.
Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
- Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
- Communicate to all involved units if the pursuit should be terminated.

(b) Options to keep in mind during a pursuit include, but are not limited to:

- Parallel pursuits
- Channeling techniques
- Creating a compelling path
- Air support
- Spike strips or other tire deflation device.
- Pursuit Intervention Techniques (PIT)
- Blocking or Vehicle Intercept
- Boxing-in
- Other apprehension or GPS tracking methods - Minn. Stat. §626.8458 Subd 2 (3)

(c) Post-pursuit chain of command notification of the Chief of Police if not already completed during the pursuit.

8.0 FACTORS INFLUENCING THE TERMINATION OF A PURSUIT:

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- 8.1** Any officer involved in the pursuit including the driver of the primary unit, backup / assisting units, and the Chief of Police **SHALL** have the ability to terminate the pursuit and **SHALL** continually evaluate the risks and likelihood of a successful apprehension of the suspect.
- 8.2** The conditions of the pursuit become too risky for the safe continuation of the pursuit, i.e., it is futile to continue.
- 8.3** The Chief of Police orders it terminated.
- 8.4** If information is communicated that indicates the pursuit is out of compliance with policy.
- 8.5** When normal communication is broken.
- 8.6** When visual contact is lost for a reasonable period of time, or the direction of travel cannot be determined.
- 8.7** When the suspect is known and could be apprehended later, delayed apprehension does not create a substantial known risk of injury or death to another.

9.0 INTER-JURISDICTIONAL PURSUIT:

- 9.1** The primary unit, before leaving its jurisdiction, **SHALL** update critical information to the dispatcher.
- 9.2** The primary police vehicle **SHALL** remain the primary vehicle in other jurisdictions unless the officer of the primary police vehicle determines that it would be safer to have a police vehicle from the jurisdiction in which the pursuit is in to take over or if the emergency units in that jurisdiction want to take over the pursuit.
 - 9.2.1** If the jurisdiction in which the pursuit enters does not take over the pursuit or prohibits their officers from assisting in the pursuit, the primary officer will terminate the pursuit.

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- 9.3** Upon receiving notification that the pursuit is entering another agency's jurisdiction, the dispatcher **SHALL** forward all critical information possessed by the dispatcher to that agency.
- 9.4** When a pursuit enters this department's jurisdiction:
 - 9.4.1** The dispatcher **SHALL** update the critical information to the Chief of Police.
 - 9.4.2** The Chief of Police **SHALL** determine if the pursuit is in conformance with policy.
 - 9.4.3** The Chief of Police **SHALL** provide the appropriate directions to units.
- 9.5** When a pursuit enters another agency's jurisdiction:
 - 9.5.1** The primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).
- 9.6** Fresh pursuit outside state boundaries:
 - 9.6.1** No pursuit will continue into another state unless permission is received from a supervisor, if available, before entering that state and the pursuit is of a known or suspected violent felon. Before crossing the state line, the dispatcher will notify the appropriate out-of-state authority to coordinate the pursuit and the channels to be used for communications.

10.0 AIR SUPPORT (IF AVAILABLE):

- 10.1** When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control

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over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report the progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

11.0 PURSUIT SUMMARY REPORT:

11.1 The primary officer and the supervisor shall file a pursuit summary report.

11.2 To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.

11.2.1 As required in Minn. Stat. §626.5532, the report must contain the following elements:

- the reason(s) for, and the circumstances surrounding the pursuit.
- the alleged offense.
- the length of the pursuit in distance and time.
- the outcome of the pursuit.
- any injuries or property damage resulting from the pursuit; and
- any pending criminal charges against the driver.
- other information deemed relevant by the Commissioner of Public Safety.

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12.0 CARE AND CONSIDERATION OF VICTIMS:

12.1 If during a pursuit an officer observes or is made aware of an injury to an individual, the officer **SHALL** immediately notify the peace officer's dispatcher to have the appropriate emergency units respond. Rendering assistance includes but is not limited to: Minn Stat. 626.8458 Subd. 2 (6)

- Calling an ambulance
- Rendering First Aid until the officers are no longer needed at the injury scene.

12.2 The officer making the notification of injury **SHALL** be responsible for ensuring that assistance is provided to people who may have been injured during a pursuit. The officer making the notification of injury may delegate the responsibility to provide care to a specific support or backup unit when they are immediately available to render assistance.

13.0 USE OF FIREARMS:

13.1 The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

14.0 CAPTURE OF SUSPECTS:

14.1 Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.

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13.0 PURSUIT SUMMARY REPORT:

13.1 The primary officer and the Chief of Police **SHALL** file a supplementary report.

13.2 To ensure compliance with Minnesota Statute 626.5532, the chief law enforcement officer **SHALL** ensure the completion of the state pursuit report form and forward it to the BCA/CJIS within 30 days following the incident.

13.3 The report **SHALL** contain the following elements:

13.3.1 The reason(s) for, and the circumstances surrounding the incident.

13.3.2 The initial reason for the pursuit

13.3.3 The length of the pursuit: including time started, time ended, and distance

13.3.4 The outcome of the pursuit

13.3.5 Any injuries or property damage resulting from the incident.

13.3.6 Any pending criminal charges against the driver; and

13.3.7 Assisting Agencies.

14.0 EVALUATION AND CRITIQUE:

14.1 After each pursuit, the Chief of Police and department units involved with the pursuit will evaluate the pursuit and make recommendations on ways to improve the department's pursuit policy and tactics.

15.0 TRAINING:

15.1 Per POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. Emergency Vehicle Operations Course (EVOC) training is minimally required for each officer every five years. This training shall comply with learning objectives developed and approved by the board and shall

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minimally consist of at least eight hours of classroom and skills-based training every five years per Minn. Stat. § 626.8458 Subd. 5. Continual training should also be considered for those officers authorized to use the PIT maneuver, spike strip deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.