700.22 VEHICLE PURSUITS

POLICY

Vehicle pursuits expose the public, peace officers, and offenders to a variety of risks including serious injury or death. Janesville Police Department personnel must consider a variety of factors, including the sanctity of human life, when making vehicle pursuit determinations.

DEFINITIONS

Blocking or Vehicle Intercept: means a slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, with the driver possibly unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

Boxing-in: means a tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Channeling: means to direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

Chief Law Enforcement Officer or CLEO: has the same meaning given to it in Administrative Rule 6700.0100, subpart 8.

Compelling Path: means the use of channeling with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver of any vehicle or any vehicle traveling the path has an exit option at the narrowed end.

Discontinue a Pursuit: a pursuit is discontinued when the pursuing peace officer(s) turn off their emergency lights/siren, reduce speed to the posted speed limit, and notify dispatch that the pursuit has ended.

Divided Highway: means any highway that is separated into two or more roadways by a physical barrier or has a dividing middle section constructed to impede vehicular traffic.

Flee: has the same meaning given to it in MN Statute 609.487, subdivision 1.

Other Assisting Units: refers to law enforcement units not actively involved in the pursuit who assist by deploying stop sticks, clocking intersections, making compelling paths, or otherwise working to minimize risk.

Paralleling: the practice of non-pursuing squad vehicles driving on streets near the active pursuit, in a manner that is generally parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws.

Pursuit: refers to an active attempt by a peace officer in an authorized emergency response vehicle to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer.

Portable Tire Deflation Device: means a device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

Primary Unit: means the law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

Pursuit Intervention Technique (PIT): A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.

Ramming: The deliberate act of colliding with a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.

Support Unit(s): refers to the secondary responding pursuit units whose responsibility it is to remain in close proximity to the pursuing vehicle(s) so that peace officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support units may also assume responsibility for radio traffic.

PROCEDURES

The decision to pursue a fleeing motor vehicle should be based on the totality of the information and circumstances known to the officer at the time the decision is made without the benefit of hindsight. Peace officers pursuing a motor vehicle shall evaluate the risks to the public and other peace officers against the potential consequences of failing to apprehend the offender(s). When pursing a motor vehicle, officers shall slow down and sound their siren or, minimally, display one red light to the front before cautiously proceeding through an area displaying a stop sign or red light. Speed limitations do not apply to an authorized emergency vehicle that is engaged in a pursuit. This does not relieve the driver of an authorized emergency vehicle from the duty to drive with due care/regard nor from the consequences of recklessly disregarding the safety of others. When the likelihood of a collision with another vehicle or pedestrian is higher, peace officers shall reduce their speeds and ensure the area is clear. During a pursuit, involved officers shall frequently evaluate the factors and conditions affecting a pursuit and discontinue when appropriate. No officer will be disciplined for discontinuing a pursuit.

PURSUIT CONSIDERATIONS, TACTICS, AND RESPONSIBILITIES

A pursuit is justified when the risks of such a law enforcement action are outweighed by either 1) the immediate need to apprehend the suspect or 2) the risk the suspect poses to the public. When engaging in a pursuit, officers must consider the following factors:

- the severity or nature of the offense (for non-violent offenses, officers should consider discontinuing the pursuit),
- the speed of the pursuit,
- the area of the pursuit (including the geographical area, time of day, amount of vehicle/pedestrian traffic, and the officer's familiarity with the area),
- whether there are divided highways or one-way roads,
- weather conditions (rain, snow, visibility, road surface conditions),
- the presence and approach of intersections controlled by traffic signals, signs or other locations where there is an increased risk of a collision,
- the ability to identify the offender at a later time,
- the age of the suspect and occupants, and
- whether there are other individuals or suspects in the vehicle.

When the decision is made to engage in a pursuit, the officer shall continuously assess the pursuit and the present factors. When conducting their evaluation, officers should ask themselves the following questions.

- Does the immediate need to apprehend the offender outweigh the risk created by the pursuit?
- Do the dangers created by the pursuit exceed the dangers posed if the offender were to escape?

All emergency vehicles shall be driven in a safe manner and with due regard for public safety. 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.

Primary Unit. The primary officer, or primary unit, shall notify dispatch of the pursuit and provide the following information when possible:

- travel direction/location/traffic and road conditions,
- reason for initial contact (violation),
- identity of the fleeing driver (if known),
- plate number, if available, and/or vehicle description, and
- speed of the fleeing vehicle.

During a pursuit, the primary unit shall, when feasible, provide any relevant information or evolving information to dispatch. No officer will intentionally make vehicle-to-vehicle contact with the suspect unless this action is in accordance with agency policy on use of force. Roadblocks must conform to the agency's policy on use of force as well. Only a law enforcement vehicle with emergency lights and a siren may be used as a pursuit vehicle. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle is able to take over as the primary unit. officers shall not become engaged in a pursuit while operating a non-department (private) motor vehicle or department vehicles not equipped with the required emergency equipment.

Support Unit(s). Secondary officers, or support units, are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Support units directly involved in the pursuit should utilize their siren and/or emergency lights. When possible, non-pursuing personnel needed at the conclusion of the pursuit should respond in a non-emergency manner, obeying all traffic laws.

Supervision of Pursuit Activities. When feasible, pursuits should be monitored by a supervisor not directly involved in the pursuit. Supervisors should give a verbal acknowledgment over the radio after a pursuit is initiated that notifies the officers involved that a supervisor is monitoring their radio traffic and the pursuit conditions. While monitoring the pursuit, the supervisor shall attempt to gather the critical information necessary to evaluate the continuation of the pursuit and ensure the pursuit adheres to agency policy and state statute. If the pursuit is not justified under this policy or state statute, the supervisor shall discontinue the pursuit. The discontinuation of the pursuit shall be communicated to all involved units and the supervisor shall ensure the discontinuation is acknowledged by the pursuing officers.

Supervisors should keep the following in mind while monitoring a pursuit:

- paralleling opportunities,
- channeling opportunities,
- compelling path opportunities,
- air support,
- available equipment (grapplers, spike strips, or other tire deflation devices),
- pursuit intervention techniques (PIT),
- blocking or vehicle intercept opportunities,
- boxing-in opportunities, and
- the availability of other apprehension or GPS tracking equipment.

Post-Pursuit Chain of Command Notifications. Post-pursuit chain of command notification is required. (Each agency must outline their post-pursuit notification procedures in its pursuit policy. The agency's requirements should be added to this section.)

Dispatch Responsibilities. Upon notification that a pursuit has been initiated, dispatch will be responsible for the following tasks.

- Coordinating pursuit communications among the involved units and personnel.
- Notifying and coordinating with other involved or affected agencies as needed and practicable.
- Ensuring that a supervisor, if available, is notified of the pursuit.
- Assigning an incident number to the pursuit and logging all pursuit activities.
- Broadcasting pursuit updates and other pertinent information as necessary.

Care and Consideration of Victims. If, during a pursuit, [an officer] observes or is made aware of an injury to an individual, the officer must immediately notify the dispatcher to have the appropriate emergency unit(s) respond. The aid [an officer] should render includes, but is not limited to, requesting an ambulance, rendering first aid until officers are no longer needed at the injury scene, and summoning additional units to the scene for assistance with the injured person and/or traffic control.

Firearms. The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging a firearm. 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.

Capture of Suspects. Proper self-discipline and sound professional judgment are keys to the successful conclusion of a pursuit and the apprehension of evading suspects. Arrests shall be performed in accordance with this agency's policies and state statute.

Pursuit Summary Report. The supervisor and primary officer must file a pursuit summary report. The agency's CLEO must ensure the state's pursuit form is completed and submitted to the Commission of Public Safety within 30 days following the pursuit (MN Statute 626.5532). The report submitted to the Commission of Public Safety must include the following information:

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

Evaluation and Critique. After a pursuit, the officers and supervisor involved must evaluate the pursuit and make recommendations, if applicable, to the CLEO on ways to improve the agency's pursuit policy and tactics.

AIR SUPPORT

When available and practical, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit. The air unit should coordinate the activities of resources on the ground, report 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 discontinuing the pursuit.

DISCONTINUING A PURSUIT

The primary unit officer and supervisor must continually evaluate the risks and likelihood of a successful apprehension of the suspect. Personnel involved in the pursuit must consider discontinuing the pursuit when the any of the following conditions are present.

- The officer deems the conditions of the pursuit to be too great of a risk to the public to continue.
- A supervisor orders pursuing officers to discontinue.
- New information or communications indicate the pursuit is not in accordance with department policy.
- Disruptions in radio communications with dispatch and/or other responding units.
- Visual contact of the suspect is lost for a reasonable period of time and/or the direction of travel cannot be determined.
- The suspect is known and could be apprehended later – delaying apprehension does not create a substantial known risk of injury or death to another person.

INTERJURISDICTIONAL PURSUITS

The primary unit or officer in a pursuit must update critical information to the dispatcher before leaving their jurisdiction. The primary unit must remain the primary unit in another jurisdiction unless the controlling pursuit authority transfers its authority. Upon receiving notification that the pursuit has entered another agency's jurisdiction, the dispatcher must forward all critical information possessed by the dispatcher to that agency. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to ask the other agency to assume control of 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 dispatch and to each

outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

If a pursuit by another agency enters this agency's jurisdiction, the dispatcher must notify the on-duty supervisor or another officer identified as the contact person for the agency and relay to them all pertinent pursuit information. Assistance may be provided if the pursuit conforms with this agency's policy and state statute.

INTERSTATE PURSUITS

No pursuit will continue into another state unless agency personnel have received permission from their on-duty supervisor – if available and practical. Prior to, or as soon as possible after crossing the state line, the dispatcher must notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications. So long as the conditions in this paragraph are met, agency personnel may continue a pursuit across state lines if the state has reciprocity. These states include North Dakota, South Dakota, Iowa, and Wisconsin.

TRAINING

In accordance with POST requirements, all sworn agency personnel must be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. The CLEO shall provide in-service training in emergency vehicle operations and pursuit driving to every peace officer (including part-time licensed peace officers) who may become involved in a police pursuit given the officer's duties and responsibilities (MN Statute 626.8458). This training must comply with the learning objectives developed and approved by POST and must minimally consist of 8 hours of classroom and skills-based training. This training must be completed, minimally, once every five years. Refresher courses should be considered for personnel authorized to use the PIT maneuver, tire deflation devices, FPS tracking devices, and any other devices or tools used for pursuit intervention.

If the CLEO determines [an officer] will not be involved in police pursuits, given their duties and responsibilities, the CLEO must notify POST of the officer's exemption status.

STATUTORY REFERENCES

- MN STATUTE 169.03 – Emergency Vehicles
- MN STATUTE 169.14 – Speed Limit, Zones; Radar
- MN STATUTE 169.17 – Emergency Vehicle
- MN STATUTE 609.487 – Fleeing Peace Officer; Motor Vehicle; Other
- MN STATUTE 626.5532 – Pursuit of Fleeing Suspects by Peace Officers
- MN STATUTE 626.65 – Uniform Act on Fresh Pursuit; Reciprocal
- MN STATUTE 626.8458 – Vehicle Pursuits; Policies and Instruction Required
- MN STATUTE 6626.487 – Fleeing Peace Officer; Motor Vehicle; Other
- MN STATUTE 6700.0100 – Definitions
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies