

POLICY #4500

OAK PARK HEIGHTS POLICE DEPARTMENT POLICY MANUAL

RE: PURSUIT AND EMERGENCY VEHICLE OPERATION

Effective Date: 06-15-200

Revision Dates: 07-01-2007, 08-12-2011

PURSUIT AND EMERGENCY VEHICLE OPERATION

The purpose of this policy is to ensure the safety and proper operation of the vehicle during pursuit and emergency driving situations. The intent of this policy is to provide members of the police department with a clear definition of their responsibilities and restrictions regarding pursuit of a motor vehicle and emergency operation of the Oak Park Heights Police Department

POLICY

Emergency vehicle operation or pursuit will not begin or continue if a substantial risk exists to public safety which outweighs the need for emergency vehicle operation or pursuit. Officers shall continuously weigh the present danger to themselves and the general public by considering factors such as weather conditions, likelihood of damage to law enforcement vehicles and other property, mechanical condition of the law enforcement vehicle, seriousness of the crime and traffic and pedestrian congestion. The policy for pursuit is to actively pursue and apprehend serious violators of the law with due regard for the safety of the general public, all law enforcement officers involved, and occupants of the pursued vehicle. The officer should consider the possibility of identifying the suspect(s) at a later time and other related factors when determining whether or not to continue the pursuit.

A. Recommended Criteria for Pursuit

It is the department's position, with the above considerations in mind and others in this policy, that officers should only engage in a pursuit after weighing these considerations and in incidents involving:

- * personal injury
- * threatened use of deadly force
- * incidents that the officer feels the delay in apprehension of the suspect may result in death or great bodily harm to others
- * threatened or actual incidents involving firearms, explosives, or other weapons and improvised weapons capable of causing death or great bodily harm in which the officer believes the subject will attempt to use them again if not stopped

This is not to prevent officers from pursuing vehicles if the officer has weighed the above considerations, even if they do not meet the specifically listed recommended criteria in Sub A., and the officer still can articulate the need to pursue.

Officers using high speeds to catch back up to a violator that has passed them or for short distances to attempt to catch up to a suspect after witnessing the violation a distance away is acceptable when using emergency equipment until the point at which the officer can see the subject is fleeing the officer and a pursuit has begun.

Officers will not pursue for traffic violations as the only reason for the pursuit.

Officers may attempt to follow the subject without actively pursuing in an attempt to maintain visual observation of the suspect until the suspect stops, another agency takes over as a pursuit, or the officer loses contact for a significant period of time. Officers should not be using emergency lights and siren while attempting to follow the suspect. If the suspect is fleeing at such a high speed the officer cannot continue to follow safely without emergency lights and siren on, the officer should discontinue.

DEFINITIONS

- A. **Response Vehicles:** Law enforcement vehicle responding to a call for assistance or criminal activity in progress.

Police Department vehicles, marked or unmarked, while responding to a call for assistance or criminal activity in progress shall activate all available alert/warning devices on the vehicle and proceed with caution. The driver of such vehicle shall not assume any special privilege of vehicle operation and shall operate the vehicle in such a manner as to not create a situation that endangers public safety or the officers involved in the response.
- B. **Emergency Vehicle Operation.** Emergency vehicle operation occurs when a law enforcement vehicle is being driven with red lights and siren activated simultaneously.
- C. **Pursuit.** Pursuit occurs during the operation of a law enforcement vehicle by use of visual and audible signal, to apprehend a violator who give indication of willful failure to obey such direction and who attempts to elude the pursuing police vehicle.
- D. **Primary Pursuit Vehicle.** The police vehicle initiating the pursuit and/or the closest law enforcement vehicle in proximity of the fleeing vehicle.

- E. **Support Vehicles.** The law enforcement vehicle which, at a safe distance, trails the primary vehicle to assist or be available to assume primary pursuit vehicle status.
- F. **Back-up Vehicles.** Other law enforcement vehicles assisting with the pursuit. These vehicles shall monitor the radio traffic and be available to assist as requested. They should remain close enough to assist without interfering with the primary and support vehicles.

PROCEDURE FOR EMERGENCY VEHICLE OPERATION

- A. Operation of a law enforcement vehicle in the emergency mode will only be Permitted when red lights and siren are activated simultaneously and the situation requires emergency vehicle operation.
- B. **Minnesota § 169.03 subd. 2.** “The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to an emergency call shall sound its siren or display at least one lighted red light to the front.”
- C. **Minnesota § 169.03 subd. 3.** “The driver of any authorized emergency vehicle, When responding to any emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and the provisions of this section shall not affect any cause of action arising prior to its passage.”
- D. **Minnesota § 169.03 subd. 5.** “No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- E. **Minnesota § 169.17.** “The speed limitations set forth in sections [169.14](#) to [169.17](#) do not apply to an authorized emergency vehicle responding to an emergency call. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision 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 disregard of the safety of others.

- F. In certain situations it may be advantageous for an officer to operate the law enforcement vehicle with red lights only. The officer in this mode of operation has no greater authority than the general public. The officer must take this into consideration in operating the law enforcement vehicle in a safe manner. No police vehicle will be construed as an emergency vehicle unless both siren and red lights are activated together.
- G. The decision as to when a vehicle is to be operated as an “emergency vehicle” lies with the officer operating the vehicle and responding to the emergency. The officer shall taken into consideration the factors listed below when determining whether or not to operate a vehicle in an emergency fashion. This is not an all inclusive list but the officer should, at a minimum, take into consideration these factors:
 - 1. The nature of the emergency being responded to;
 - 2. The assistance to be provided by the officer upon arrival at the scene;
 - 3. Whether or not other law enforcement/medical personnel are closer and will be able to handle the incident. If so, the secondary units should respond at routine (normal) speed.
- H. When using emergency equipment (red lights and siren) to execute a vehicle stop or anytime an emergency vehicle is stopped/parked in violation of parking regulations and subject to other vehicle traffic, the revolving red lights should remain in operation. Whenever the emergency vehicle is not lawfully parked, either on a traffic stop or a call for services, where the vehicle is at risk of being hit by another vehicle, or anytime when safety dictates, the revolving red lights shall be left in operation. If a squad is stopped, and according to this policy, the revolving red lights can be turned off, then at a minimum the rear flashing light bar and emergency flashers will remain activated.

PROCEDURE FOR PURSUIT

- A. Unmarked vehicles, even if equipped with red lights and siren, will not be used for pursuit purposes except in emergency situations where there is a risk of great bodily injury or death or an offense involving actual or threatened great bodily injury or death. If the above exception exists, a marked police vehicle will assume the primary pursuit function as soon as possible.

- B. Except in emergency situations where there is a risk of great bodily injury or death or an offense involving actual or threatened great bodily injury or death, police vehicle will not be used for pursuit purposes when non-sworn peace officers are present in the vehicle unless there are no other law enforcement vehicles available.
- C. No more than two law enforcement vehicles will routinely become directly involved in any pursuit situation.
- D. All applicable Minnesota Statutes will be observed during pursuit. Caution must be used in regard to traffic control devices. Pursuing vehicles should attempt to maintain adequate distance to allow for proper reaction time.
- E. The deliberate striking, ramming, or total blocking of a roadway by a law enforcement vehicle will be allowed only to protect the officer or general public from imminent death or great bodily harm and if other means of stopping the vehicle are not available. When officers make the decision to set a road block, they will vacate the patrol vehicle upon setting the road block. Only marked law enforcement vehicles shall be used for this purpose. The decision to set a road block or use a firearm in pursuit situations should only be considered when deadly force is authorized by Minnesota § 609.066. Every reasonable effort should be made to not allow the pursued vehicle to become a deadly weapon to the officer or other vehicular or pedestrian traffic. Striking, ramming or total blocking of a roadway must be in conformance with departmental police on use of force. (See department policy on use of force.)
- F. When a police vehicle becomes involved in a pursuit, as soon as possible and practical, the officer will supply the Communications Center via radio with the following information:
 - 1. Officer number
 - 2. Location, speed, and direction of travel
 - 3. Description of vehicle being pursued
 - 4. Reason for pursuit
 - 5. Request for 10-33 traffic on local frequency
- G. The Communications Center will do the following:
 - 1. Clear local channel and notify all officers of 10-33 traffic
 - 2. Notify immediate supervisor or ranking officer on duty of the pursuit situation

3. Control all radio traffic during pursuit
4. Under the direction of the supervisor or ranking officer on duty, coordinate assistance with other agencies if applicable
5. Continue to monitor traffic until pursuit is terminated and then release restrictions

- H. The immediate supervisor or ranking officer on duty will take responsibility for the pursuit upon being advised of the pursuit. The supervisor or ranking officer will ensure, through communications with the officers involved, that the policy for pursuit is being used. The pursuit should be allowed to continue only after the dangers involved have been carefully weighed. It will be the supervisor's or ranking officer on duty's responsibility to coordinate other law enforcement agency assistance and any request for assistance under any mutual aid agreement.

The primary and secondary units share the responsibility of determining the need for outside assistance and requesting assistance through dispatch as dictated by the pursuit. When the actions of other agencies are in violation of our policy and the control of our pursuit is lost, it will be the supervisor's or ranking officer's duty to end the pursuit.

- I. In the event that another non-involved vehicle or pedestrian is struck during the pursuit, the secondary vehicle will immediately break off pursuit and render necessary assistance. The secondary vehicle should also request immediate backup, if available, from other law enforcement units in the area.

- J. Pursuits shall be discontinued by the officer when:

1. The officer determines that the danger to the peace officer and the public becomes greater than the benefits of an apprehension; or,
2. The officer has been notified by immediate supervisor or ranking officer to end the pursuit; or,
3. There is a mechanical failure of the police vehicle which greatly hampers continued pursuit; or,
4. The officer loses visual contact with the violator for an extended period of time

The officer should take into consideration the ability to identify the violator in making a determination as to continuing the pursuit.

- K. Air Support – Once contact is made with air support and air support has suspect vehicle in sight, the primary pursuit unit shall reduce the level of pursuit to that of support or other backup unit.
- L. The Oak Park Heights Police Department shall not become involved in a pursuit with another agency unless supervisory approval has been obtained or an extreme emergency exists which merit immediate intervention.
- M. If a pursued vehicle leaves the Oak Park Heights jurisdiction and other law enforcement agencies join the pursuit, the Oak Park Heights primary pursuit vehicle will drop to support vehicle status and the previous support vehicle will drop out of pursuit status and into the backup vehicle mode.
- N. Pursuit Summary Report
 - 1. The primary officer and the supervisor shall file a pursuit summary report.
 - 2. To ensure compliance with Minnesota § 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 incident.
 - 3. The report must contain the following elements:
 - a. the reason(s) for, and the circumstances surrounding the incident;
 - b. the alleged offense;
 - c. the length of the pursuit including time and distance;
 - d. the outcome of the pursuit
 - e. any injuries or property damage resulting from the incident; and
 - f. any pending criminal charges against the driver.
- O. Evaluation and Critique

After each pursuit, the supervisor and department units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the department's pursuit policy and tactics.

PROHIBITED POLICE VEHICLES

- A. Due to safety concerns of operating a four-wheel drive vehicle at the high speeds normally used during pursuits of motor vehicles, and the fact of the “higher center of gravity” of these four-wheel drive vehicles, such vehicles are prohibited

from being used in pursuits in the best interests of employee/officer safety. The effective date of this policy addition is May 5, 1999.