Vehicle Pursuits

342.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects (Minn. Stat. § 626.8458, Subd. 3).

342.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable, and that decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(1)).

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(2)).

Officers involved in a pursuit will be accountable for compliance with this policy.

342.1.2 DEFINITIONS

Definitions related to this policy include:

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

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Vehicle pursuit - An attempt by one or more law enforcement officers to apprehend a suspect in a motor vehicle who, having been given a visual and audible signal to stop, fails to yield or uses high-speed driving or other evasive tactics (e.g., driving off a highway, turning suddenly) in an attempt to avoid arrest (Minn. Stat. § 609.487).

342.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

342.3 INITIATING A PURSUIT

Officers who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for officers and the public (Minn. Stat. § 626.8458, Subd. 1).

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider (Minn. Stat. § 626.8458, Subd. 2 (a)(2)):

a. The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.
b. Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
c. The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, and road and weather conditions.
d. The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the telecommunicator/supervisor.
e. The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
f. Whether there are other persons in or on the fleeing vehicle, their ages, and their relationship to the situation (e.g., passengers, co-offenders, hostages).
g. Whether the pursuing unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
h. The availability of other resources such as air support or vehicle locator/deactivation technology.

342.3.1 MEMBERS SHALL NOT INITIATE A PURSUIT UNLESS:

a. The officer knows or has reasonable grounds to believe the suspect has committed a serious and violent felony or gross misdemeanor; or

b. The officer has current, credible information that the individual is about to commit a serious and violent felony or gross misdemeanor; or

c. The suspect's driving prior to the attempted stop is so flagrantly reckless that the driver would pose an imminent and life-threatening danger to the public if not apprehended.

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Serious and violent felonies and gross misdemeanors include, but are not limited to:

- The attempt or act of murder
- Serious or violent sexual assaults
- Robbery
- Arson
- Kidnapping
- Carjacking (not to include auto theft or stolen motor vehicle, which are property crimes)
- Assault in the first through fourth-degree
- Burglary in the first degree
- Terrorist acts

342.4 PURSUIT UNITS

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit units and the supervisor vehicle). However, an officer or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects.

342.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by law (Minn. Stat. § 169.68). Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

342.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, police department motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

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342.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themself or others (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

As soon as practicable, the primary unit should notify the Washington County Communications Center of the pursuit, request priority radio traffic, and provide appropriate information including:

a. The location, direction of travel, and estimated speed of the pursuit.
b. The description of the fleeing vehicle, including the license plate number, if known.
c. The reason for the pursuit.
d. A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
e. Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
f. The suspected number of occupants and their identities or descriptions.
g. The weather, road, and traffic conditions.
h. The need for any additional resources or equipment.
i. The identities of other law enforcement agencies involved in the pursuit.
j. Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(6)).

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

342.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

a. Notifying the Washington County Communications Center of their entry into the pursuit.
b. Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
c. Identifying the need for and requesting additional resources or equipment as appropriate.
d. Serving as backup to the primary unit once the fleeing vehicle has been stopped.

342.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating

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whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

342.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following (Minn. Stat. § 626.8458, Subd. 2 (a)(3)):

a. Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
b. Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
c. Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
    1. Request assistance from available air support.
    2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
    3. Request other units to observe exits available to the fleeing vehicle.
d. Pursuing units should request that the Washington County Communications Center notify the Minnesota State Patrol and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
e. Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

342.5.1 RULES OF THE ROAD

Officers shall drive with due regard for the safety of all persons and property. However, when in pursuit, if there is no unreasonable risk to persons and property, officers may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

a. Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
b. Exceed the speed limit.
c. Disregard regulations governing direction of movement or turning in specified directions.

342.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the police department vehicle.

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

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When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Officers should not parallel the pursuit route.

342.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for (Minn. Stat. § 626.8458, Subd. 2 (a)(4)):

a. Immediately notifying the involved units and the telecommunicator of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
b. Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
c. Confirming that no more pursuing units than required are involved in the pursuit.
d. Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
e. Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.
f. Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
g. Verifying that the proper radio channel is being used.
h. Confirming the shift supervisor has been notified of the pursuit.
i. Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.
j. Continuing the management and control of Oak Park Heights Police Department units when a pursuit enters another jurisdiction.
k. Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

342.6.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the shift supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The shift supervisor has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

342.7 THE WASHINGTON COUNTY COMMUNICATIONS CENTER

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or telecommunicator. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

342.7.1 THE WASHINGTON COUNTY COMMUNICATIONS CENTER RESPONSIBILITIES

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Upon notification or becoming aware that a pursuit has been initiated, the telecommunicator is responsible for (Minn. Stat. § 626.8458, Subd. 2 (a)(4)):

a. Clearing the radio channel of non-emergency traffic.
b. Coordinating pursuit communications of the involved units and personnel.
c. Broadcasting pursuit updates as well as other pertinent information as necessary.
d. Ensuring that a field supervisor is notified of the pursuit.
e. Notifying and coordinating with other involved or affected agencies as practicable.
f. Notifying the shift supervisor as soon as practicable.
g. Assigning an incident number and logging all pursuit activities.

342.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided 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 (a)(5)).

342.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Oak Park Heights Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

342.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Oak Park Heights Police Department, the shift supervisor or supervisor should review the request as soon as practicable, taking into consideration:

a. Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.
b. Whether there is adequate staffing to continue the pursuit.
c. The available units' capabilities to maintain the pursuit.
d. The number of available units and other resources of the pursuing agency.

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Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

342.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

342.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

a. Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
b. Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
c. Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
d. Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
e. Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
f. Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

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Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the telecommunicator and all involved units.

342.9.2 BOXING-IN

Boxing-in should only be used when the fleeing vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

342.9.3 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

342.9.4 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

342.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when (Minn. Stat. § 626.8458, Subd. 2 (a)(2)):

a. A supervisor directs the pursuit to be terminated.
b. The location of the fleeing vehicle is no longer known.
c. The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.
d. The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the telecommunicator.

342.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

342.10.2 APPREHENSION OF SUSPECTS

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Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

342.11 DEBRIEFING

Participating officers should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

342.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures (Minn. Stat. § 626.8458, Subd. 2 (a)(7)).

a. Pursuing officers should complete appropriate crime/arrest and pursuit reports.
b. The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum (Minn. Stat. § 626.5532):
    1. Date and time of the pursuit.
    2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
    3. Length of pursuit in distance and time, including the starting and termination points.
    4. Involved vehicles and officers.
    5. Alleged offenses.
    6. Whether a suspect was apprehended, as well as the means and methods used.
    7. Arrestee information, if applicable.
    8. Any injuries and/or medical treatment.
    9. Any property or equipment damage.
    10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of officers, suspects, or case numbers.

342.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

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The Support Services shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. § 626.5532).

342.13 PURSUIT TRAINING

The designated training supervisor should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, telecommunicators).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

342.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

The designated training supervisor shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458, Subd. 5).

342.14 YEARLY CERTIFICATION

This policy shall be reviewed and certified to the state annually that it complies with requirements of any new or revised model policy adopted by the state (Minn. Stat. § 626.8458, Subd. 3).

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