

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
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VEHICLE PURSUIT	DISTRIBUTION		RESCINDS
	ALL PERSONNEL		321 – Dated 07/30/1999

PURPOSE

To establish a policy and procedure governing the conduct of police personnel involved in a vehicle pursuit.

POLICY

It is the primary mission of the South Lake Minnetonka Police Department (SLMPD) to protect lives while enforcing the law. Vehicle pursuits are necessary to apprehend actual or suspected law violators who refuse to voluntarily comply with a signal to stop. It is the responsibility of the SLMPD to guide its officers in the safe and responsible performance of their duties. Because vehicle pursuits have a high potential to be dangerous, policies and procedures are in place to guide the officers involved in a pursuit. Further, officers must carefully exercise their discretion to initiate, conduct and continue a pursuit. This discretion involves the consideration of complex and unpredictable factors. When engaged in emergency vehicle operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions, by statute, from certain traffic laws. These exemptions are provided to help protect lives, not to place them at undue risk.

DEFINITIONS

- A. Pursuit:** A process by which a police officer initiates a vehicular stop and a driver resists the visual and/or audible signal, or order to stop, willfully fails to obey direction, 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 guide the actions of the officer and supervisor.
- B. Termination of Pursuit:** A pursuit is considered to be terminated when the initiating officer turns off their emergency equipment, resume routine vehicle operations and informs dispatch, or when the suspect vehicle stops.
- C. 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.

- D. Pursuit Intervention Tactic (PIT):** This tactic is permitted to slow down and stop a fleeing vehicle which by its course of action shall cause or is causing a threat to the safety of others, including citizens, officers, or the fleeing subject. Officers shall use reasonable force as dictated by state statutes and department policy on use of force/deadly force.
- E. Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane located on the roadway.
- F. Compelling Path:** The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or a vehicle traveling the path has an exit option at the narrowed end.

PROCEDURE

A. INITIATING A PURSUIT

Vehicle pursuits are justified only when the officer has a reasonable and lawful basis according to Minnesota law to stop the vehicle. When such a vehicle fails to stop after being given a visual and/or audible signal from the officer, the officer must exercise his/her judgment as to whether a pursuit is appropriate.

In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and/or siren. One of the primary considerations for Officers operating emergency vehicles in a pursuit is public safety, and the safety of other officers involved. The initial decision to engage in a pursuit lies primarily with the officer who has initiated the vehicular stop after considering the elements of this policy and the reasonable expectation of a successful apprehension of the suspect.

B. INITIATING A PURSUIT WITH A NON PURSUIT-RATED VEHICLE (NPRV)

If a non pursuit-rated vehicle (NPRV) becomes involved in a pursuit, additional caution should be exercised due to the different handling characteristics of such vehicles. The NPRV should not become involved in a police pursuit as the primary vehicle if a pursuit-rated vehicle can initiate the pursuit. If the NPRV is the only available pursuit vehicle, it should be replaced by a pursuit-rated vehicle as soon as practical. If at all possible, the NPRV should take a secondary role in a police pursuit with the officer keeping in mind the different driving characteristics of an NPRV.

C. EVALUATING THE CIRCUMSTANCES OF A PURSUIT

Consideration needs to be given to the relative danger of the pursuit in comparison with the public interest in immediate apprehension. Officers should continually evaluate the risks

created by the pursuit, which many change during the pursuit. In evaluating whether to engage in or continue the pursuit, elements include but are not limited to the following:

- (1) The nature and seriousness of the observed offense.
- (2) The risk to the community created by the pursuit.
- (3) The degree of recklessness exhibited by the pursued driver.
- (4) The ability of the officer to identify and apprehend the driver at a later time without continued pursuit.
- (5) Road and weather conditions.
- (6) Density of traffic and pedestrians.
- (7) Apparent age of the driver.
- (8) Whether the vehicle is a motorcycle, snowmobile, ATV, or similar vehicle.
- (9) Apparent condition of the pursued vehicle.
- (10) Type and condition of the police vehicle.
- (11) Officer's familiarity with the area.
- (12) Time of day.
- (13) Driving skills of the officer and the driver of the pursued vehicle.
- (14) Special hazards such as parades, road construction, etc.
- (15) Length of the pursuit.
- (16) Amount of assistance available.
- (17) Whether there is a police helicopter or airplane monitoring the pursuit.
- (18) Whether passengers, other than sworn officers, are in the police vehicle.

Considerations included in a decision to terminate a pursuit are in the interests of public safety and the safety of assisting officers. At times, the termination of a pursuit is the safest and most appropriate action. The officer's decision to continue a pursuit may be overridden by a supervisor.

D. PRIMARY UNIT RESPONSIBILITY

All officers involved shall immediately activate the red lights and siren and only police vehicles with such equipment will be used as pursuit vehicles. The squad closest to the fleeing vehicle is recognized as the primary squad. The secondary squad should remain at a safe distance behind the primary squad, but close enough to provide support and communication with dispatch. Any other support squads should operate at a safe distance. Notification of dispatch will be made as soon as reasonably possible that a pursuit is underway and provide the following information if known:

- (1) Police unit identification.
- (2) Location, direction and speed of both vehicles.
- (3) Vehicle description, including license number, if known.
- (4) The reason for the pursuit, including suspected law violations.
- (5) The number of occupants in the vehicle being pursued.
- (6) Description of occupant(s) and if suspect is known to officer.
- (7) Any other important information about the suspect vehicle or environment.

The on-duty supervisor, if available will evaluate the circumstances of the pursuit and give direction as to either take further appropriate action or terminate the pursuit. Officers involved in the pursuit should maximize control over their vehicles by adjusting the speed accordingly to traffic, vehicle, road and weather conditions. No officer will use roadblocks or intentionally make vehicle to vehicle contact unless in conformance with the Department Use of Force Policies (See Policies 109 and 138). PIT would be an exception to the vehicle contact provision. The pursuing officer is in charge of the pursuit unless relieved of that responsibility by the on-duty supervisor.

E. ASSISTING UNIT RESPONSIBILITY

When an officer is requested to assist in pursuit, prior to engaging in the pursuit the officer should determine whether the elements are present to authorize that action, as specified by this policy. Dispatch will be notified upon actively joining the pursuit. If the primary squad is only occupied by one officer, an assisting squad may assume the responsibility of reporting the progress of the pursuit to dispatch, allowing the officer in the primary squad to devote full attention to driving. Assisting squads will maintain a reasonably safe distance behind the primary squad. If the primary squad becomes disabled, an assisting squad may become the primary squad. Additional squads may be needed based on such factors as the nature of the offense, the number of suspects, character of the area and familiarity with the roads. Squads not actively involved in the pursuit can monitor its progress, but not become involved unless specifically directed to do so.

F. COMMUNICATIONS CENTER RESPONSIBILITIES (DISPATCH)

This responsibility is assumed by the Hennepin County Sheriff's Department, who provide dispatching for the South Lake Minnetonka Police Department.

G. SUPERVISORY RESPONSIBILITIES

The on-duty supervisor, if available, will have control over the activities of the pursuit. Upon being notified of the pursuit, the on-duty supervisor, if available, shall acknowledge his/her presence as soon as possible, monitor the pursuit activities and obtain information

that is necessary to evaluate the continuation of the pursuit. The supervisor will also verify the following:

- (1) The reason for the pursuit.
- (2) The number of squads involved in the pursuit.
- (3) The radio frequency being utilized.
- (4) Whether affected law enforcement agencies are being notified.

The on-duty supervisor, if available, shall monitor and supervise the pursuit, ensure proper procedures are being followed, provide appropriate direction, assistance and coordination. The on-duty supervisor, if available, shall have the authority to terminate any pursuit. Options to keep in mind include, but are not limited to:

- (1) In cases involving wrong-way drivers, parallel pursuits may be used.
- (2) Notification of the next jurisdiction is encouraged.
- (3) Channeling techniques may be used.
- (4) Creating a compelling path.

Post pursuit chain-of-command notifications are required.

H. USE OF TIRE FLATTENING DEVICES

In many instances the use of tire flattening devices is authorized to bring pursuits to a safe conclusion for all participants. If possible, tire flattening devices should be deployed as authorized under this policy. It is the policy of the South Lake Minnetonka Police Department that all squads directly or indirectly involved in the pursuit be notified of the intent to deploy the device and the location(s) of deployment. This can be accomplished by notification of the dispatcher of the intent to deploy a tire flattening device. Pre-deployment considerations are:

- (1) Roadway and roadside topography.
- (2) Road conditions.
- (3) Visual and physical obstructions.
- (4) Vehicular traffic.
- (5) Pedestrian traffic.
- (6) Type of vehicle being pursued.

UNLESS USE OF DEADLY FORCE IS AUTHORIZED PURSUANT TO M.S. 609.066, UNDER NO CIRCUMSTANCES WILL TIRE FLATTENING DEVICES BE AUTHORIZED FOR USE ON

MOTORCYCLES OR ANY OTHER VEHICLES THAT DO NOT HAVE AT LEAST FOUR (4) PNEUMATIC TIRES.

Deployment of tire flattening devices:

- (1) Deployment of the device should be made in an area of roadway that is as straight as possible and allows for adequate cover for the deploying officer. Special care should be given to ensure that the device is not deployed within or very near a sharp curve in the roadway.
- (2) The squad driven by deployment officer should, if possible, be parked off the roadway and not used as a roadblock except as authorized by this policy. The squad must not be occupied and should have emergency lights activated and the trunk lid closed.
- (3) The deploying officer must have adequate protection from being struck by oncoming vehicles involved in the pursuit. Time and distance are to be considered by the deployment officer as well as time constraints required to safely deploy the device and seek cover. **It is important that the officer not wrap or attached the pull cord to any part of his/her uniform or body.** If the deploying officer feels that the risk factors are too great to safely deploy the device, he/she should abort the attempt and advise pursuing squads of that decision.
- (4) The deploying officer will deploy the device across the roadway and will then take cover. Once the suspect vehicle passes over the device, it is the deploying officer's responsibility to remove the device from the roadway. The deploying officer will then communicate to pursuing squads that it is safe to continue the pursuit. The pursuit should then continue as this policy allows.
- (5) The device may be used to prevent a vehicle from being moved by a suspect attempting to flee the scene. It may also be used to prevent movement of a vehicle which is, or possibly will be, evidence.

I. PURSUIT INTERVENTION TACTIC (PIT)

- (1) Only officers who have attended, and successfully completed the department approved training in the Pursuit Intervention Tactics may use it.
- (2) Because one of the primary concerns of the South Lake Minnetonka Police Department in all pursuits is safety of the public, it is essential that pursuits be brought to a safe conclusion as soon as possible. Once an officer is certain that a subject is starting to flee, the officer if trained in PIT should immediately seek and use opportunities to reasonably end the pursuit. The early and proper use of this technique will accomplish the twofold goals of safety to the public and the arrest of the subject. It is appropriate to use PIT at any time in a pursuit when it can successfully shorten the pursuit and reduce risk to the public.

J. VEHICLE CONTACT

Other than the exception of the PIT, vehicle contact may be used when M.S. 609.066 permits the use of deadly force and/or the officer believes contact is necessary because the risk of personal injury created by the continued pursuit is greater than the risk of injury from the proposed action. Factors to consider when assessing risks include but are not limited to, the number and location of potential victims, the speed of the pursued vehicle, traffic conditions, the suspect's driving conduct and the length of the pursuit. Vehicle contact should be exercised in a manner that minimizes the potential for injury. Factors to consider include, but are not limited to topography, road conditions, obstructions and the position of other vehicles and people.

K. STATIONARY ROADBLOCKS

Stationary roadblocks may be used only in the same situations as vehicle contact. The location should be chosen to minimize the potential of injury. In particular, there should be sufficient sight distance to allow a vehicle to avoid collision. Factors to consider include:

- (1) Lighting.
- (2) Road configuration and amount and direction of traffic.
- (3) An avenue of escape to avoid collision should be available.
- (4) Vehicles used in a roadblock should not be occupied.
- (5) All emergency lights should be activated.
- (6) The dispatcher and pursuing vehicles should be notified of the location.
- (7) Privately owned vehicles shall not be commandeered to be used as a roadblock.
- (8) Spikes or other designated equipment for controlled deflating of tires may be used.

L. MOVING ROADBLOCKS ("Boxing in")

Moving roadblocks are discouraged, but may be used in the same situations as vehicle contact. It should be considered only at slow speeds and coordinated with the other pursuing squads. If available, the on-duty supervisor should make the decision.

M. FIREARMS

Firearms shall be used only when the use of force is permitted under M.S. 609.066.

N. INTER-JURISDICTIONAL PURSUITS

In any pursuit which crosses jurisdictional boundaries, officers should observe their own department policy governing pursuits. When a boundary is approached, the officer who has

responsibility for reporting the progress of the pursuit should notify the dispatcher of that fact and indicate whether assistance is needed. Officers providing assistance should immediately notify the dispatcher of their involvement. When a pursuit enters this department's jurisdiction, the on-duty supervisor, if available will evaluate the circumstances of the pursuit, and determine if the pursuit is in conformance with this policy. The on-duty supervisor, if available will direct the appropriate assistance to be given by officers of this department. Once the on-duty supervisor, if available has established that the pursuit has met the guidelines of this policy and joins the pursuit, an officer may stay in the pursuit as long as it is within our service area. If the pursuit leaves our service area and the pursuing agency has adequate backup from their own or other agency, there is no need for officers to continue involvement.

The initiating law enforcement agency is in charge of the pursuit unless that agency requests another to assume control. All assisting and support officers will follow the direction of the officer in charge unless it violates their own policy. The initiating officer or agency will be responsible for any arrest. If an accident occurs, the agency serving the accident location will investigate the accident. If it appears that the pursuit will cross radio communication boundaries, radio communications should be conducted as directed by the Hennepin County Sheriff's emergency radio dispatch center.

O. PURSUIT TERMINATION

The pursuing officer(s) and on-duty supervisor, if available, shall continually evaluate the risks and likelihood of a successful apprehension of the suspect. The pursuit shall be terminated when the following circumstances occur.

- (1) If the shift supervisor so orders.
- (2) In the judgment of the pursuing officer and/or supervisor, if available determines that a clear and unreasonable danger is created by the pursuit and outweighs the public interest in immediate apprehension.
- (3) The conditions of the pursuit become too risky for the safe continuation of the pursuit, i.e., road and weather hazards, distance between the officer and the violator clearly indicates the futility of further pursuit.
- (4) If information is communicated that indicates the pursuit is out of compliance with policy.
- (5) When communication is broken with the other pursuing squads or dispatch.
- (6) The identity of the violator is known and he/she could be apprehended later, and to delay apprehension does not create a substantial risk of injury or death of another.
- (7) The officer is the only qualified person available to render immediate first aid to person(s) injured during the course of the pursuit.
- (8) The location of the pursued vehicle is no longer known.

The termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in the area to reinitiate the pursuit if the opportunity and conditions permit.

P. AIR SUPPORT

If available, once contact is made with air support and air support has the suspect vehicle in sight, all squads involved in the pursuit shall reduce the level of the pursuit to that of support or other backup squad.

Q. ASSISTANCE TO PERSONS INJURED IN PURSUIT

Dispatch shall be notified as soon as possible of any accident and shall notify the appropriate Emergency Medical Service (EMS) provider. If the pursuing officer becomes aware of a potentially significant injury to a third party resulting from the pursuit, the officer shall terminate the pursuit and provide medical assistance as needed, unless an assisting squad in the immediate vicinity stops to render such assistance. Any other squad may continue the pursuit if sufficient assistance to the accident victim(s) is being provided.

R. TRAINING

There will be reviews of this vehicle pursuit policy. Information obtained from a review of previous department pursuits will be considered in the overall training needs of the Department and recommendations for any policy changes. Officers will receive training on emergency vehicle operation as required by the Minnesota Peace Officers Standards and Training Board.

S. POST PURSUIT PROCEDURES

The primary officer involved in the pursuit will be responsible for completing an Offense and/or Arrest Report documenting the following elements:

- (1) The reason(s) for, and the circumstances surrounding the incident.
- (2) The alleged offense.
- (3) The length of the pursuit, including time and distance.
- (4) The outcome of the pursuit.
- (5) Any injuries and/or property damage resulting from the incident.
- (6) Any pending criminal charges against the driver.

The supervisor involved in the pursuit shall also complete a supplement report. In addition, the supervisor, or in his absence the primary officer involved in the pursuit, shall leave a copy of the completed case file for the Chief of Police or designee. The Chief of Police or

designee shall ensure the completion of the state reporting form and forward it to the Commissioner of Public Safety within 30 days following the incident. After each pursuit, the officers involved from the Department along with a supervisor will evaluate what took place and make recommendations, if warranted, to the Chief of Police on ways to improve the pursuit policy and practices.