

**CHAPTER 9**

**VEHICLE PURSUIT POLICY**

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## CHAPTER 9

### VEHICLE PURSUIT POLICY

#### SECTION 1. POLICY.

It is the policy of the Winsted Police Department to protect lives while enforcing the law and to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals, the following policy is provided to control and regulate emergency vehicle operations. When engaged in emergency vehicle operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions from certain traffic laws by State Statute. These exemptions are provided to help protect lives, not to place them at undue risk.

#### SECTION 2. DEFINITIONS.

- A. *Pursuit:*** A multi-stage process by which a peace 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 peace officer's signal or order, this pursuit policy and procedure will determine the officer's and agency's actions.
- B. *Termination of a Pursuit:*** A pursuit shall terminate when the pursuing officer(s) turn off the emergency equipment, resume routine vehicle operation and informs dispatch, or when the suspect vehicle stops.
- C. *Divided Highway:*** Any highway that is separated into two or more roadways by:
  - 1. a physical barrier, or
  - 2. a clearly indicated dividing section constructed so as to impede vehicular traffic.
- D. *Channeling:*** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- E. *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 any vehicle traveling the path has an exit option at the narrowed end.
- F. *Escape Route:*** An area in which a suspect vehicle/other vehicle traffic could maneuver through or around a roadblock area safely. This area could be, but not limited to, gravel shoulders, side roads, ditches, etc.
- G. *Pursuit Vehicle:*** Will generally be the patrol vehicle which initiates the pursuit; but is in all cases the patrol vehicle that is in the closest proximity to the fleeing vehicle.
- H. *Support Vehicle:*** The law enforcement vehicle which trails the primary vehicle to assist and be available to assume primary vehicle status.

- I. **Back-up Vehicles:** Other law enforcement vehicles assisting with the pursuit. These vehicles shall monitor the radio traffic to be available to assist as requested. They should remain close enough to assist without interfering with primary and support vehicles.

### **SECTION 3. PROCEDURE.**

#### **A. Pursuit Considerations**

1. Pursuit is justified when:
  - a) a vehicle operator fails to stop after being given a visual or audible signal to stop by a peace officer; and
  - b) there is reasonable expectation of a successful apprehension of the suspect.
2. Other factors to be considered:
  - Except in emergency situations, where there is a risk of great bodily injury or death or any offense involving actual or threatened great bodily injury or death, police vehicles will not be used for pursuit purposes when person who are not law enforcement personnel or Winsted Reserve Officers are present in the police vehicle. In all other cases, unless an emergency situation, the police vehicle shall not partake in the pursuit until the passenger(s) have been safely removed from the police vehicle.
  - No personal cars, city owned vehicles not equipped with flashing red lights and siren and/or other patrol vehicles not properly equipped for pursuit driving shall be used for motor vehicle pursuit driving purposed except in emergency situations, i.e. when the fleeing vehicle represents an immediate and direct risk of serious injury or death to others or wherein a substantial loss of property is involved. When marked patrol vehicle becomes available to take over a pursuit, the unequipped patrol vehicle shall withdraw from active pursuit and serve in a support function for the marked vehicle.
  - Pursuit shall be conducted in strict compliance with all applicable MN Statutes.
  - In order to diminish the likelihood of a pursuit developing, officers intending to stop a vehicle shall, when practicable, be within close proximity to the subject vehicle prior to activating the emergency signal devices.
  - When engaged in pursuit or emergency driving situations, the officer shall utilize his emergency signal devices. Emergency devices shall be comprised of at least one red flashing light to the front and siren.
  - The initial decision to engage in a pursuit shall rest primarily with the officer who has initiated the vehicular stop, after considering the elements of this policy.
  - 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).
  - The officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
  - Terminating a pursuit shall be considered a decision made in the interest of public safety.

- The officer's decision to continue a pursuit may be overridden by a supervisor at any time.
3. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:
    - Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?
    - Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?

**B. Procedures & Tactics for an Officer Engaging in a Pursuit**

1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
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.
3. The pursuing vehicle shall be known as the primary unit, 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.

**C. Responsibilities of the Primary Unit**

1. The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch:
  - Unit identification.
  - Offense for which the suspect is being pursued.
  - Suspect vehicle description including license number if reasonably possible.
  - Location, direction and speed of both vehicles.
  - Description of occupant(s) and if suspect is known to the officer.
  - any other important information about the suspect vehicle or environment (for example, the suspect is traveling without lights, or the officer has lost sight of the vehicle).
  - Request Emergency radio traffic only and go to Statewide Emergency Frequency (L-TAC) if practical.
2. Be certain seatbelts are secured and that signal devices are activated.
3. Individual responsibility for actions of a pursuit rest with the primary pursuit vehicle unless directed otherwise by supervisor. The officer involved in the pursuit shall:
  - a. Continuously re-evaluate the hazards of the pursuit situation.
  - b. Utilize all available law enforcement resources for assistance.

4. Based on the known information the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
5. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force).
6. Roadblocks must conform to the agency's policy on use of force.
7. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles except as otherwise noted.

#### **D. Pursuit Intervention Strategies**

##### **Stop-Sticks**

Officers shall always consider personal safety during deployment. The use of Stop-Sticks on a vehicle with fewer than four wheels shall be considered the use of deadly force.

#### **E. Supervision of Pursuit Activities**

1. Upon being notified of the pursuit, the supervisor/senior officer, if on duty, shall verify the following:
  - a. No more than the required number of vehicles are involved in the pursuit.
  - b. Proper radio frequency is being utilized.
  - c. Affected interjurisdictional agencies are notified
2. The supervisor/senior officer should give strong and continuing consideration to terminate the pursuit under the following conditions:
  - a. Knowledge that conditions exist that are dangerous to occupants of the pursued vehicle, officer's, other motorists/pedestrians, etc.
  - b. Hazardous roads/locations/conditions.
  - c. Any other hazard that exists including types of patrol vehicles involved (i.e. unmarked patrols, etc.)
  - d. If the primary officer's supervisor is not on duty he or she shall be notified as soon as practicable by Dispatch or officer(s).

#### **F. Dispatch Responsibilities**

Dispatch shall coordinate critical information as timely and accurately as is reasonably possible.

According to McLeod County Policy governing high speed pursuits, the McLeod County dispatcher shall do the following:

1. Clear the local channel and notify all officers of 10-33 (Emergency Traffic Only) traffic.
2. Notify immediate supervisor or ranking deputy on duty of the pursuit situation.
3. Control all radio traffic during the pursuit.
4. Under the direction of the supervisor or ranking deputy on duty coordinate assistance with other agencies if applicable.
5. Continue to monitor traffic until pursuit is terminated and the release of 10-33 restrictions.

**G. Support Unit Responsibilities:**

Our Department's Pursuit Policy and Rules shall always be followed by our officers, even when assisting another agency and/or when pursuing an offender in a different jurisdiction.

- i. Assistance will be coordinated by the McLeod County Dispatcher.
- ii. Before a Winsted Officer shall be involved in another agency's pursuit, in any capacity, they shall first of all be requested by that agency or by the dispatcher of that agency in their behalf to assist in such pursuit.
- iii. The support vehicle, upon joining the pursuit, shall immediately notify the McLeod County Dispatcher of its identity and location. If practicable the support squad should assume radio communications responsibility for the primary vehicle.
- iv. The support unit should maintain a safe distance from the primary vehicle but be close enough to render assistance.
- v. The support or backup vehicle will be responsible for providing assistance to people likely injured during the course of a pursuit delegated to do so by the primary vehicle.
- vi. Should the primary pursuit vehicle become disabled, the support vehicle will become the primary vehicle and another vehicle, if available, shall become the support vehicle.

**H. Factors Influencing the Termination of a Pursuit:**

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect, and shall consider terminating the pursuit under the following conditions.

1. The conditions of the pursuit become too risky for the safe continuation of the pursuit.
2. A supervisor orders it terminated.

3. Information is communicated that indicates the pursuit is out of compliance with policy.
4. Communication is broken.
5. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
6. The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.
7. When there is an equipment failure involving an emergency signal device, radio, brakes, steering, or other essential mechanical equipment.
8. When the secondary vehicle involved in the chase requests that the pursuit be terminated.
9. When the weather or traffic conditions or darkness substantially increase the danger of the pursuit.
10. The officer is unfamiliar with the area and he/she is unable to accurately notify the dispatcher or his/her location and the direction in which the pursuit is proceeding.
11. The violator proceeds the wrong way on any limited access or interstate highway, divided highway or one-way street and existing conditions dictate further pursuit would grossly endanger lives.
12. The pursuing officer knows or has reason to believe the fleeing vehicle is being operated by a juvenile who has committed a misdemeanor, or nonviolent felony and is driving in such an unsafe manner that it is obvious he/she does not have the maturity to deal with the danger involved.

#### **I. Interjurisdictional Pursuit**

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.
3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
4. When a pursuit enters this law enforcement agency's jurisdiction:

- The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
- The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

#### **J. Air Support**

Once contact is made with air support and air support has the suspect vehicle in sight, the primary pursuit unit shall reduce the level of pursuit to that of support or backup unit.

#### **K. Care and Consideration of Victims**

1. If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond.
2. The primary pursuit unit will be responsible for ensuring assistance is provided to people who may have been injured during the course of a pursuit. The primary pursuit unit may delegate the responsibility to render the assistance to a backup unit.

#### **L. Pursuit Summary Report**

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with MN 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 incident.
3. As required in MN STAT 626.5532, 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.

#### **M. TRAINING/EVALUATION**

1. Evaluation: As part of the process of constructing a Department Annual Report, the Chief Law Enforcement Officer shall evaluate all pursuit incidents for the previous year. After each pursuit, the Chief Law Enforcement Officer and the officers from this department involved in the pursuit will evaluate the pursuit and make recommendations to improve the department conducts pursuits.
2. Training: All officers shall be required to attend a pursuit driving school and attend an appropriate refresher course every five years. At annual in-service training, there will be a review of the Department's Policy and laws governing pursuit.



#### **N. Evaluation and Critique**

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

#### **SECTION 4. SHOOTING FROM OR AT A MOVING VEHICLE.**

- A.** Winsted Police Officers shall not shoot from or at a moving vehicle, except when deadly force is authorized pursuant to Chapter 10 (Use of Force).
- B.** Officers should make every effort not to place themselves in a position that would increase the possibility that the vehicle they are approaching can be used as a deadly weapon against Officers or other users of the road.
- C.** Firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target or when there is a substantial risk to the safety of other persons, including risks associated with vehicle crashes.