

## 02: VEHICLE OPERATION AND POLICE PURSUITS AND RESPONSE

### Section 2.01 POLICY

It is the policy of the Albany Police Department to protect lives while enforcing the law. In addition, it is the responsibility of the Albany Police Department to guide its peace officers in the safe and reasonable performance of their duties. To accomplish these goals, the following policy is provided to control and regulate the manner in which emergency vehicle operations are undertaken and performed. 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.

### Section 2.02 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 peace officer's and agency's actions.
- B. *Termination of a Pursuit*: A pursuit shall terminate when the pursuing peace officer turns 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:
  - a. a physical barrier, or
  - b. a clearly indicated dividing section so constructed 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.

### Section 2.03 Normal Vehicle Operation

- A. *Normal Conditions*: Under normal conditions, personnel will operate police vehicles in the same manner as required for the public. Violations of motor vehicle laws when not authorized, or careless and abusive use of police vehicular equipment may result in disciplinary action.
- B. *Vehicle Condition*: Vehicles shall not be driven when they are in unsafe mechanical condition. Peace officers shall inspect their assigned vehicle before each work period or shift and immediately report any damage or mechanical failure to their supervisor.
- C. *Lighting Exemptions*: Minn. Stat. §169.541 exempts peace officers from statutes relating to the lighting of vehicles: while operating a motor vehicle owned, leased, or otherwise the property of

the state or a political subdivision; in the performance of the peace officer's law enforcement duties; when the peace officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws, rules, or orders or local laws, ordinances or regulations, IF the peace officer's conduct is reasonable and is consistent with the standards adopted by the Minnesota POST Board.

The standards that have been adopted are: A peace officer may not operate without lights:

- a. on interstate highways;
- b. at speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions;
- c. in situations where the peace officer is an active participant in pursuing a motor vehicle being operated in violation of Minn. Stat. § 609.487 (Fleeing a Peace Officer in a Motor Vehicle);
- d. contrary to the elements listed in Minn. Stat. § 169.541 (explained in the preceding paragraph);
- e. contrary to any written policies or procedures established by the Albany Police Department.

A peace officer may not operate without red lights and siren when engaged in pursuit.

## Section 2.04 PURSUIT PROCEDURE

### A. Pursuit Considerations

- a. Pursuit is justified when:
  - a vehicle operator fails to stop after being given a visual or audible signal to stop by peace officer; and
  - there is reasonable expectation of a successful apprehension of the suspect.
- b. Other factors to be considered:
  - the initial decision to engage in a pursuit shall rest primarily with the peace 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 peace 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 peace officer's decision to continue a pursuit may be overridden by a supervisor at any time.
- c. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following:

- 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

- a. Emergency vehicles shall be driven in a safe manner and with due regard for public safety. Consideration must be given to the amount of vehicle and pedestrian traffic and the type of street upon which the pursuit is being conducted. What is a safe speed on a divided highway is not a safe speed on a residential street or busy commercial street. Red lights and siren shall always be utilized in a pursuit situation.
- b. The pursuing peace officer shall take into consideration the driving skills of the suspect under pursuit conditions as well as the peace officer's own skills and the condition and location of the pursuit route.
- c. 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.
- d. 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.
- e. The peace officer, if trained in Pursuit Intervention Technique, is expected to seek and use opportunities to end the pursuit with a pursuit intervention technique. Early proper use of this technique will accomplish the twin goals of safety to the public and arrest of the subject. It is appropriate to use any time in a pursuit when it can successfully shorten the pursuit and reduce risk to the public.

## C. Responsibilities of the Primary Unit

- a. 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 peace officer.
  - any other important information about the suspect vehicle or environment (for example: suspect is traveling without lights, peace officer loses sight of vehicle, etc).
- b. Based on the known information, the supervisor, if available, shall make the decision to either take further appropriate action or terminate the pursuit.
- c. No peace officer will intentionally make vehicle-to-vehicle contact unless in conformance with agency policy on Use of Force (see agency policy on Use of Force- Section 21).
- d. Roadblocks established must conform to the policy on Use of Force.

- e. Only police vehicles with emergency lights and siren will be used as pursuit vehicles.

#### D. Supervision of Pursuit Activities

- a. Each agency shall outline their procedures regarding who has control over pursuit activities.
- b. Procedures regarding control over pursuit activities should:
  - reference who should be notified that a unit has become involved in a pursuit;
  - reference who critical information necessary to evaluate the continuation of the pursuit should be directed to;
  - indicate who has the authority to terminate any pursuit.
- c. Options to keep in mind during a pursuit include, but are not limited to the following:
  - in cases involving wrong-way drivers, parallel pursuits may be used;
  - notification of the next jurisdiction is encouraged;
  - channeling techniques may be used;
  - creating a compelling path.
- d. Post-pursuit chain of command notifications are required and should be identified in each agency's policy.

#### E. Dispatch Responsibilities

Dispatch shall coordinate critical information, both as timely and accurately as possible, and shall dispatch the number of units appropriate to the call.

#### F. Factors Influencing the Termination of a Pursuit

The driver of the primary unit and the supervisor, if available, shall continually evaluate the risks and likelihood of a successful apprehension of the suspect, and shall consider terminating the pursuit when:

- a. The conditions of the pursuit become too risky for the peace officer and the public for the safe continuation of the pursuit.
- b. A supervisor orders it terminated.
- c. Information is communicated that indicates the pursuit is out of compliance with policy.
- d. Communication is broken.
- e. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
- f. The suspect is known and could be apprehended later, and to delay apprehension does not create a substantial known risk of injury or death to another.

## G. Interjurisdictional Pursuit

- a. The primary unit, before leaving its jurisdiction, shall update critical information to the dispatcher.
- b. The primary police vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers their authority to another jurisdiction.
- c. Upon receiving notification that the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
- d. When a pursuit enters this department's jurisdiction:
- e. the dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the department;
- f. the controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

## H. Responding to Medical Emergency Calls

- a. Peace officers shall consider the safety factors set forth in Paragraph B above when responding to medical emergency calls.
- b. In responding to such calls, Officers shall not impede emergency response vehicles of other departments such as the fire trucks, first responders or ambulances.
- c. Peace officers shall not engage in pursuit type driving to respond to medical emergencies in other jurisdictions unless the peace officer is the primary police vehicle responding to the call, or the peace officer is specifically advised by dispatch or a supervisor, if available, that additional peace officers are needed.

## I. 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.

## J. Care and Consideration of Victims

- a. If during a pursuit a peace officer observes or is made aware of an injury to an individual, the peace officer shall immediately notify the peace officer's dispatcher to have the appropriate emergency units respond.
- b. The primary pursuit unit will be responsible for ensuring that 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 specific support or backup unit when they are immediately available to render assistance.

## K. Roadblocks.

Roadblocks may be used only when deadly force is justified. Procedures for setting up roadblocks are as follows:

- a. The pursuit supervisor's approval shall be obtained to set up a roadblock. The pursuit supervisor may cancel a roadblock at anytime.

- b. Only marked squads equipped with lights and sirens will be used.
- c. The marked squads used to set up the roadblock will be unoccupied. Peace officers from those vehicles shall be a safe distance away from the roadblock in case the pursued vehicle strikes a police vehicle.
- d. Marked squad used in the roadblock will have all emergency lighting activated. When possible, there shall also be a reasonable distance to allow the driver of the pursued vehicle to stop before striking a police vehicle.
- e. The number of police vehicles used in a roadblock shall be limited to only those necessary to cause the offender to stop.

This policy is not intended to prohibit the strategic placement of squads on side streets, driveways, parking lots and alleys to eliminate potential escape routes and assist in controlling a pursuit.

#### L. Vehicle Contact

Vehicle contact, rolling roadblocks and roadblocks may only be used when state law permits use of deadly force.

#### M. Tire Deflating Devices

- a. The use of tire deflating devices will be governed by the procedures stipulated in this guideline. Only peace officers trained in accordance with the manufacturer's recommendations shall use spikes. When these conditions are met, the spike system deployment shall be as follows:
  - Peace officers not actively involved in the pursuit, who have the spikes, shall position themselves on likely routes the pursuit may follow.
  - Once in position, peace officers shall monitor the pursuit and when the pursuit approaches their position, they shall advise other units of their location and intent to deploy the spikes.
  - The spikes will be deployed in accordance with the manufacturer's recommendations.
  - Peace officers at the scene shall immediately seek cover after the spikes have been deployed.
  - Peace officers deploying the spikes are responsible for securing them immediately after their use. This includes searching the immediate area where the spikes were used and collecting any spikes that may have become detached.
  - Whenever the spikes are deployed, the deploying peace officer shall make a Computer Assisted Police Records System (CAPRS) supplement regarding the circumstances surrounding their deployment, the effects of the spikes on the pursued vehicle, and any other observation or effects of deployment.
- b. The deployment of spikes may not be used when the pursued vehicle is:

- Any two or three-wheeled vehicle.

- Any bus transporting passengers.
- Any vehicle that is placarded to be transporting hazardous materials.

N. Hostage-Involved Vehicular Pursuit

If a vehicular pursuit involves a hostage, the safety of the hostage must be the primary consideration in determining the tactics that will be used during the pursuit. As soon as the existence of a hostage is known that information shall be communicated to the pursuit supervisor

O. Pursuit Summary Report

- a. The primary peace officer and the supervisor shall file a pursuit summary report.
- b. To ensure compliance with Minn. Stat. 626.5532, the Chief Law Enforcement Officer (CLEO) shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within thirty (30) days following the incident.
- c. The report must contain the following elements:
  - the reason(s) for, and the circumstances surrounding the incident;
  - the alleged offense;
  - the length of the pursuit including time and distance;
  - the outcome of the pursuit;
  - any injuries or property damage resulting from the incident; and
  - any pending criminal charges against the driver.

P. 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 (CLEO) on ways to improve the department's pursuit policy and tactics.