



Policy 303: Motor Vehicle Pursuits

Note: This policy is mandated by MSS 626.8458 Subd. 3 and the Minnesota POST Board. Officers are required to be trained in the policy itself, and any pursuits must be reported to the BCA within 30 days of the incident.

POLICY

It is the policy of the Lakeville 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.

Order 303: Definitions

Flee: Defined by MSS 609.487 - the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

Pursuit: A multi-stage process by which a peace officer initiates a vehicular stop, and a driver flees by resisting 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.

Termination of a Pursuit: A pursuit is terminated when the pursuing officer(s) turn off the emergency equipment, turn onto a perpendicular street, or stop the patrol vehicle on the roadside with all forward-facing emergency lights turned off, resuming motion at or below the posted speed limits. Dispatch will be advised of the last known suspect location and the squad car location.

Pursuit conclusion: When the suspect vehicle stops, or an intervention method is used to bring the pursuit to an end.

Divided Highway: Any highway that is separated into two or more roadways by:

- a physical barrier, or
- a clearly indicated dividing section constructed so as to impede vehicular traffic.

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Pursuit Intervention Technique (PIT)

PIT is a specific type of intentional contact. It is a controlled contact between the patrol unit and the pursued vehicle, which is intended to force the rotation of the pursued vehicle, causing the vehicle to become disabled and safely end the pursuit.

Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

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.

Order 303.1: Procedure

When determining when a pursuit is authorized, officers will use the **COVA** acronym. **COVA** stands for Crime of Violence or Authorized by the WATCH COMMANDER.

Pursuit is authorized when:

A vehicle operator fails to stop after being given a visual or audible signal to stop by a peace officer; and the reason for the stop involves a Crime of Violence or the pursuit is Authorized by the WATCH COMMANDER and there is reasonable expectation of a successful apprehension of the suspect.

Pursuit Considerations:

- Officers should consider the relative danger of the pursuit in comparison with the public interest of immediate apprehension.
- In evaluating whether to begin or continue a pursuit, the officer should consider public safety and officer safety and there should be a reasonable expectation of a successful apprehension of the suspect.

When applying COVA, an officer should consider the following elements. These elements shall include but are not limited to:

- The crime of violence for which the suspect is being pursued for and the known information on the suspect(s) (the need for immediate apprehension), the existence of vehicle and pedestrian traffic, the area of the pursuit, the population density, weather and environmental conditions, and the speed and evasive tactics employed by the suspect (risks to the community created by the pursuit).
- Pre-Pursuit driving conduct that creates an imminent threat to public safety may be considered a crime of violence.
- 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.

Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:

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- 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.

Procedures & Tactics for an Officer Engaging in a Pursuit:

- Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
- 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 and drive with due regard for the safety of persons using the street.
- 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.
- Three units should be the maximum number of cars actively engaged in the pursuit unless number of occupants or other circumstances require additional units or additional units are approved by a supervisor.
- Other units may monitor intersections and assist or block traffic.

Pursuit Conclusions:

- At the conclusion, a high-risk traffic stop is recommended.
- Each situation may require tactics, but all should emphasize the safety of the public, officer and the suspect in that order.

Order 303.2: PIT (Pursuit Intervention Techniques)

Because our primary concern in any pursuit is the safety of the public, it is essential that all pursuits be terminated quickly.

Once a pursuit has been declared, opportunities should be sought and used to end the pursuit. Early and proper use of termination techniques can accomplish the twin goals of safety to the public and arrest of the suspect.

Use of a pursuit termination technique is appropriate if it can successfully shorten the pursuit and thereby reduce risk to the public. Officers using PIT must be PIT trained to use these techniques.

Tire Deflation Spikes:

- This technique may be deployed by officers trained in the use of this system. Training will include actual, documented deployment of the system in a controlled environment, as well as discussion of circumstances and considerations for safe deployment.
- Use of this system on two-wheeled vehicles should be avoided and may be considered deadly force.
- The deploying officer should make reasonable attempts to ensure that involved units are aware of the location of the deployment.

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Following deployment, the deploying officer is responsible for:

- Checking for loose spikes in the roadway,
- Ensuring that spikes are replaced to make the system usable again,
- Completing a Use of Force report as required in Order #106

Ramming:

- The deliberate high-speed ramming/bumping should be considered deadly force as specified under MSS 609.06 and 609.066 and may only be used when this level of force is justified. An exception is use of the PIT maneuver.

Roadblock-Moving:

- Moving Roadblocks may be necessary in limited situations, with the goal to “box in” suspect and gradually reduce speed until stopped.
- Because such actions can be quite risky, justification for them rests with the officer and supervisor and an assessment of conditions present and consequences of the technique.
- In general, this technique should be used at low speed.
- At higher speeds the risk increases and may constitute deadly force.
- Use of this technique requires supervisor approval.

Roadblock-Stationary:

- Stationary Roadblocks may only be authorized by a supervisor.
- All roadblocks must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
- Only unoccupied vehicles may be used for a roadblock, and an avenue of escape should be made available to the vehicle pursued.

Order 303.3: Responsibilities of the Primary Unit

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
- Reason or offense for which the suspect is being pursued.
- Suspect vehicle description including license number if reasonably possible.
- Location, direction, and speed of both vehicles with updates until a secondary unit assists.
- Description and number of occupants 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).
- The location where a pursuit terminates
- If a pursuit is initiated by an unmarked unit, they shall remove themselves as the primary pursuit unit as soon as a marked unit can assume the pursuit.

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- Units involved in a pursuit shall sounds its siren or display at least one lighted red light to the front (as highlighted in MSS 169.03 and 169.17).

Further considerations:

- The intentional vehicle-to-vehicle contact should be avoided unless this action is justified in the application of force or during the application of the PIT maneuver by trained officers.
- Roadblocks without an exit or escape route may constitute use of force.
- Only law enforcement vehicles equipped with emergency lights and siren will be used as pursuit vehicles.
- Firearms shall only be discharged when Deadly Force is justified by law.
- Officers should consider reducing their speed so as to avoid a collision with another vehicle or pedestrian and ensure that the way is clear before proceeding though an intersection or otherwise increasing speed so that the officers can maintain control of their vehicles at all times.
- The speed of the pursuit is a factor that should be evaluated on a continuing basis by the officer and the supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Personnel in vehicle:

- Officers may engage in pursuits while reserve officers on duty are in the vehicle, but
- Officers will not participate in pursuits when non-department civilians including prisoners are in the vehicle

Order 303.4: Pursuit Activities

Supervision of Pursuit Activities:

A pursuit will be under the supervision of the WATCH COMMANDER.

Upon notification of the pursuit, the WATCH COMMANDER should, if possible, verify the following:

- The reason for the pursuit and confirm that COVA applies.
- Speed
- Direction of travel
- Reason for pursuit complies with policy
- The number of units involved
- Proper radio talk group is being utilized
- Affected agencies are being notified.
- Based on the known information the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.

As soon as practical, officers initiating or participating in a pursuit should:

- Notify the WATCH COMMANDER via radio.
- Continue to update the WATCH COMMANDER of pursuit conditions.

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The following have authority to terminate the pursuit:

- Initiating Officer
- WATCH COMMANDER
- INCIDENT COMMANDER (Interjurisdictional pursuit)
- Lieutenant
- Commander
- Chief

The WATCH COMMANDER will be notified via radio when a pursuit is terminated.

Dispatch Responsibilities will be that of the contract dispatch service provider.

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:

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

Interjurisdictional Pursuit:

- COVA should be used when determining when a Lakeville Officer is justified to engage in a pursuit entering the city from another agency.
- The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
- The primary law enforcement unit will remain the primary vehicle in Lakeville unless the controlling pursuit authority transfers its authority to Lakeville Police or pursuing units from another jurisdiction.
- Officers will inform the WATCH COMMANDER before engaging in a pursuit entering the city from another agency.
- Officers will follow direction of the incident commander unless it violates Lakeville policy or state law.
- Accidents caused by the pursuit will be investigated by the jurisdiction in which they occurred.

Participation in interjurisdictional pursuits will be terminated when:

- Advised by the WATCH COMMANDER
- When Lakeville Police assistance is no longer needed

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Upon receiving notification that the pursuit is entering another agency's jurisdiction, the WATCH COMMANDER shall forward all critical information possessed by the dispatcher to that agency.

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 their policy and shall provide appropriate direction to their units.

Air Support:

Once contact is made with air support and air support is tracking the vehicle, the primary pursuit unit may consider terminating a pursuit.

Care and Consideration of Victims:

- If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher and assisting units.
- Appropriate emergency units should be requested to assist the injured.
- The primary pursuit unit will be responsible for ensuring assistance is provided to people who may have been injured during a pursuit.
- The primary pursuit unit may delegate the responsibility to render the assistance to a backup unit.
- If no assisting units are available, the pursuing officer should consider terminating the pursuit providing medical assistance as necessary.

Pursuit Summary Report:

The primary officer and the supervisor shall file a pursuit summary report. 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.

As required in MN STAT 626.5532, the report must contain the following elements:

- the reason(s) for and the circumstances surrounding the pursuit
- 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-pursuit
- any charges against the suspect as a result of the pursuit
- any other information deemed relevant by the commissioner

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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.