

## 303 MOTOR VEHICLE PURSUITS

Lakeville Police Department Order #303

General Order- Motor Vehicle Pursuits

Date: 04/15 Personnel: All Personnel Issued by: Chief of Police

Note: This policy is mandated by MSS 626.5532 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: Our policy is to balance public safety and the necessity of apprehending appropriately pursued violators as quickly and safely as circumstances allow.**

### I. 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.

### II. 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, turn onto a perpendicular street, or stop the patrol vehicle on the road side with all forward facing emergency lights turned off. Resuming motion is at or below the posted speed limits. Dispatch will be advised of the last known suspect location and the squad car location.
- C. Pursuit conclusion-** When the suspect vehicle stops or an intervention method is used to bring the pursuit to an end.
- D. 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.
- E. Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane location 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 any vehicle traveling the path has an exit option at the narrowed end.

### III. PROCEDURE

**A. Pursuit Considerations- Officers shall 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 shall consider public safety and officer safety.**

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.
  - c. The nature and seriousness of the original offense;
  - d. The degree of recklessness exhibited by the pursued driver;
  - e. The ability of the officer to identify and apprehend the driver at a later time without continuing the pursuit;
  - f. Road and weather conditions;
  - g. Traffic density and pedestrians;
  - h. The amount of available assistance.
2. Other factors to be considered:
  - a. 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.
  - b. 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).
  - c. the officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
  - d. terminating a pursuit shall be considered a decision made in the interest of public safety.
  - e. 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.

- a. 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.
  - b. 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.
2. Three units will be the maximum number of cars actively engaged in the pursuit unless number of occupants or other circumstances require additional units.
  - a. Other units may monitor intersections and assist or block traffic.
3. Pursuit Conclusions
  - a. Stops
    1. At the conclusion, a high risk traffic stop is recommended.
    2. Each situation may require tactics but all should emphasize the safety of the public, officer and the suspect in that order.
4. PIT(Pursuit Intervention Technique)
  - a. 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 subject. Use of a pursuit termination technique is appropriate if it can successfully shorten the pursuit and thereby reduce risk to the public. This may be accomplished by using termination techniques
  - b. PIT Officers using PIT must be PIT trained to use this technique.
  - c. Tire Deflation Spikes- This technique may be deployed by officers trained in the use of this system and with the approval of a supervisor.
    1. Training will include actual, documented deployment of the system in a controlled environment, as well as discussion of circumstances and considerations for safe deployment.
    2. Use of this system on two-wheeled vehicles is considered deadly force.
    3. the deploying officer should make reasonable attempts to ensure that involved units are aware of the location of the deployment.
    4. Following deployment the deploying officer is responsible for
      1. checking for loose spikes in the roadway,
      2. ensuring that spikes are replaced to make the system usable again,
      3. completing a Use of Force report as required in Order #106
  - d. Ramming- High speed ramming/bumping is considered deadly force as specified under MSS 609.06 and 609.066 and may only be used when this level of force is justified

e. Road Block

1. Moving- Moving Road Blocks may be necessary in limited situations, with the goal to “box in” the subject and gradually reduce speed until stopped. Because such actions are quite risky and often unsuccessful, 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.
2. Stationary Road blocks may only be authorized by a supervisor. All road blocks 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 road block, and an avenue of escape must be made available to the vehicle pursued.

**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:
  - a. Unit identification
  - b. Reason or offense for which the suspect is being pursued.
  - c. suspect vehicle description including license number if reasonably possible.
  - d. location, direction and speed of both vehicles with updates until a secondary unit assists.
  - e. description and number of occupants and if suspect is known to the officer.
  - f. 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).
  - g. The location where a pursuit terminates
  - h. 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
  - i. Units involved in a pursuit must display emergency lights and siren
2. High speed intentional vehicle-to-vehicle contact shall be avoided unless this action is used in the application of force. SEE USE OF FORCE POLICY
3. Roadblocks without an exit or escape route constitute use of force.
4. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles.
5. Firearms shall only be used when Deadly Force is justified by law

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

**D. Supervision of Pursuit Activities- Upon notification of the pursuit, the Watch Commander should, if possible, verify the following**

1. The reason for the pursuit
2. Speed
3. Direction of travel
4. Reason for pursuit complies with policy
5. The number of units involved
6. Proper radio talk group is being utilized
7. Affected agencies are being notified.
8. Based on the known information the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
9. A pursuit will be under the supervision of the WATCH COMMANDER.
10. When an officer initiates or participates in a pursuit, the officer will:
  - A. Notify the watch commander via radio.
  - B. All officers participating in the pursuit will notify the WATCH COMMANDER as well as the initiating officer. All officers will continue to update the WATCH COMMANDER of pursuit conditions.
  - C. The following have authority to terminate the pursuit:
    1. Initiating Officer
    2. WATCH COMMANDER
    3. INCIDENT COMMANDER (Interjurisdictional pursuit)
    4. Lieutenant
    5. Deputy Chief
    6. Chief
11. The WATCH COMMANDER will be notified via radio when a pursuit is terminated.

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

**F. 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.

#### **G. Interjurisdictional Pursuit**

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
2. 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.
  - a) Officers will inform the WATCH COMMANDER before engaging in a pursuit entering the city from another agency.
  - b) Officers will follow direction of the incident commander unless it violates Lakeville policy or state law.
  - c) Accidents caused by the pursuit will be investigated by the jurisdiction in which they occurred.
  - d) Participation in interjurisdictional pursuits will be terminated when
    - (1) Advised by the WATCH COMMANDER
    - (2) When Lakeville Police assistance is no longer needed
3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the WATCH COMMANDER will 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.

#### **H. 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 subject to the discretion of the supervisor.

#### **I. 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 and assisting units.
2. Appropriate emergency units should be requested to assist the injured.
  3. 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.
  4. If no assisting units are available, the pursuing officer shall terminate the pursuit medical assistance as necessary.

#### **J. 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.

#### **K. 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.