


Lakefield Police Department Policy

	SUBJECT:		POLICY NUMBER
	VEHICLE PURSUIT POLICY		307
	Reference(s): MN Statutes 626.8458, 626.8459 and MN Rule 6700.2701		APPROVED BY: Lakefield City Council
			ENACTED DATE: June 2011

PURPOSE: Vehicle pursuits are necessary to apprehend actual or suspected law violators who refuse to voluntarily comply with a request to stop. In addition, they are necessary to deter others from violating the law. Vehicle pursuits are dangerous, and restrictions must be placed on their use. The safety of all persons involved in or by a police pursuit is of primary importance. Officers must carefully exercise their discretion to initiate, conduct and continue a pursuit. This discretion necessarily involves the consideration of complex and unpredictable factors. This policy provides restrictions on the use of vehicle pursuits and guidelines for officers in the exercise of their permitted discretion.

POLICY: It is the primary mission of the Lakefield Police Department to protect lives while enforcing the laws. It is the responsibility of the Lakefield Police Department to guide its officers in the safe and reasonable performance of their duties. To accomplish this task, 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 operation in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions from certain traffic laws by state statute.

1. DEFINITIONS

- A. **PURSUIT** – An attempt by an officer operating a motor vehicle to apprehend a fleeing vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer’s attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer, or otherwise attempting to elude the officer.
- B. **SUPERVISOR** - In the context of this policy, the word supervisor shall mean sergeant, or senior officer if a sergeant is not on duty. NOTE: If only one officer is on-duty, they would be the senior officer.
- C. **RAMMING** – The intentional collision with a suspect vehicle during the course of a pursuit.

D. **VEHICLE CONTACT** – Minor bumping or pushing of a vehicle by a squad car.

2. INITIATION OF PURSUIT

- A. Vehicle pursuit is justified only where, prior to activation of any signal to the operator of the vehicle, the officer has reasonable and lawful basis to stop the vehicle. When such a vehicle fails to stop in response to clear direction from the officer, the officer must exercise discretion to determine whether pursuit is appropriate.
- B. To diminish the likelihood that a driver will not comply with a request to stop, officers intending to stop a vehicle should, when practical, be within close proximity to the vehicle prior to activating their emergency lights and siren.
- C. Only department vehicles with emergency lights and sirens will be used in pursuit situations. For purposes of this policy, an unmarked unit is a covert vehicle containing lights and siren. A marked unit is a fully equipped vehicle containing a roof light bar, siren, reflective graphics, and markings, and if applicable, an opticom. Unmarked units may initiate a pursuit when necessitated by the situation but must disengage from the pursuit upon being replaced by marked units.
- D. Non-sworn employees of the Lakefield Police Department are not to engage in any pursuit or vehicle chase situation.
- E. Any officer who has a non-officer passenger in the police vehicle shall not initiate pursuits. If pursuit is an absolute necessity, the passenger must be safely and responsibly removed from the vehicle before the pursuit.
- F. Prior to the decision to pursue, an officer must consider if the pursuit itself would create a more hazardous situation than if no pursuit occurred. An officer shall consider the relative danger of the pursuit in comparison to the public interest of immediate apprehension based upon the facts known to the officer at the time the decision is made.

Officers must continually evaluate the circumstances of a pursuit. In evaluating whether or not to engage in or continue a pursuit, officers shall consider relevant factors such as the following:

- 1. The nature and seriousness of the offense observed or reported to the officer
- 2. The degree of recklessness and driving behavior exhibited by the pursued driver
- 3. The ability of the officer to identify and apprehend the driver at a later time
- 4. Road and weather conditions
- 5. The presence and density of vehicle/pedestrian traffic

6. The apparent age of the pursued driver
7. The type of the pursued vehicle
8. The apparent condition of the pursued vehicle
9. The type and condition of the police vehicle
10. The officer's familiarity with the area
11. The time of day and day of the week
12. The driving skills of the officer and the pursued driver.
13. Special hazards such as parades, funeral processions, hills, school zones, etc.
14. The length (time and distance) of the pursuit
15. The amount and type of assistance available
16. Passengers in vehicles involved

G. Throughout the pursuit, all participating units must have their emergency lights and siren activated. They shall exercise due care in the operation of the vehicles.

3. CONTROL OF PURSUIT

A. PRIMARY UNIT RESPONSIBILITIES

The decision to initiate a pursuit is the responsibility of the officer(s) who first encounters a vehicle.

An officer engaging in pursuit shall notify the communications center as soon as reasonably possible that a pursuit is underway and provide the following information, if available:

1. Employee badge number
2. Location, speed and direction of travel
3. Vehicle description, including license number, if known
4. The reason for the pursuit, including suspected law violations
5. The number, description, and names of occupants in the vehicle being pursued, if known-
6. 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).

As the on-scene commander, the primary pursuing officer shall have principal decision making authority over pursuit activities, unless relieved of that responsibility or instructed otherwise by the supervisor on duty.

B. ASSISTING UNIT RESPONSIBILITIES

The assisting unit shall notify the communications center upon actively joining the pursuit. If the primary unit is a one officer unit, the assisting unit

may assume the responsibility to report the progress of the pursuit, thus, allowing the primary unit to devote full attention to driving.

An assisting unit will maintain a reasonable safe distance behind the primary unit. The assisting unit may become the primary unit, if the primary unit becomes disabled or unable to continue.

A pursuit will normally involve no more than two units from the Lakefield Police Department (other agencies may be involved). Squad cars should not caravan. Additional units may be needed based on factors such as the nature of the offense, the number of suspects, and the area. Units not actively involved in the pursuit shall monitor progress, but not become involved unless specifically directed to do so by the supervisor on duty.

At the conclusion of the pursuit, the assisting unit(s) is responsible for responding to any emergency situation and assisting with apprehension of the suspect(s).

C. **SUPERVISOR RESPONSIBILITY**

The supervisor shall have overall responsibility and control over the activities of the pursuit and the deployment of “**Stop Sticks**,” if appropriate. The supervisor shall acknowledge his/her presence as soon as practical and provide the driver of the primary unit with appropriate direction.

Upon being advised of a pursuit, the supervisor shall verify the following information as soon as possible:

1. The reason for the pursuit;
2. The number of units involved;
3. The talk group being used;
4. Whether other agencies are being notified, if appropriate.

The supervisor shall monitor the pursuit, ensure that proper procedures are being followed, provide assistance and coordination, and direct termination, if appropriate.

D. **PURSUIT TERMINATION**

1. Officers must continually evaluate the pursuit as it progresses to determine whether or not the pursuit should be terminated. Factors to consider include those listed in Section 2E, “Evaluating the Circumstances of the Pursuit.” The pursuit must be terminated when:
 - a. In the judgment of the pursuing officer or the on duty supervisor, a clear and unreasonable danger created by the pursuit outweighs the public interest of immediate apprehension

- b. The location of the pursued vehicle is no longer known.
 - c. The pursuit is for a minor crime or traffic violation(s)
 - 1. Unless when the circumstances caused by the offender's actions or driving conduct are so severe that they create a serious risk to the public, officer(s) or offender, which would require the officer to immediately apprehend the suspect.
 - d. The supervisor orders it terminated.
- 2. 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. The officer's decision to continue a pursuit may be overridden by a supervisor at any time.
 - 3. It shall be the primary unit's responsibility to notify dispatch when the pursuit is terminated. All units actually involved in the pursuit shall acknowledge the termination of the pursuit to dispatch by radio.

E. ASSISTANCE TO PERSON INJURED IN A PURSUIT

The communications center shall be notified immediately of any accident and shall notify the appropriate Emergency Medical Service (EMS) provider.

In the event any person is injured during the course of a pursuit, the pursuing officer shall immediately provide for medical care for the injured. The pursuing officer may continue the pursuit, provided immediate assistance is available to the injured and any other unit may continue the pursuit if sufficient assistance to the injured is available and being provided.

F. COMMUNICATIONS CENTER RESPONSIBILITIES

The Jackson County Sheriff Dispatch shall:

- 1. Receive and record all incoming information on the pursuit and pursued vehicle, immediately notifying the duty supervisor when the pursuit is initiated;
- 2. Clear the talk group being used of any unnecessary radio traffic and advise all units that a pursuit is in progress and provide all relevant information;
- 3. Perform relevant record and motor vehicle checks;
- 4. Control all radio communications during the pursuit, including talk group/channel designation, which may include establishing LTAC/STAC channel as needed.

5. Coordinate assistance under the direction of the on-duty supervisor.
6. Continue to monitor the pursuit until terminated;
7. Attempt to notify the appropriate outside agencies if the pursuit is leading out of Lakefield.

G. PURSUIT TACTICS

1. The Lakefield Police Department uses the "STOP STICK"TM tire deflation device. The "STOP STICK"TM device may only be deployed upon the authorization of a supervisor, or senior officer if there is no supervisor on duty, and according to manufacturer's recommendations. **"STOP STICK"TM devices shall not be used on motorcycles or any vehicle that has less than four (4) wheels.**

The deployment of "STOP STICK"TM devices should be made on a straight level section of roadway. Attempts should be made to safely insure that other vehicles operating on the roadway do not drive over the "STOP STICK"TM. The deploying officer shall have the responsibility to notify dispatch and all vehicles involved in the pursuit of the deployment, its location and the configuration of the deployment. Once the "STOP STICK"TM has been put in place, the deploying officers shall move to a safe position behind the "STOP STICK"TM while not holding onto the deployment cord. The primary concern of deployment is officer safety.

Once the suspect vehicle passes over the "STOP STICK"TM, the deploying officer should remove the device from the roadway. The deploying officer should then communicate that it is safe to continue the pursuit.

2. Vehicle contact or ramming may be used in a pursuit when deadly force is authorized by MSS 609.066 and the officer has assessed the hazards to be created. This degree of force must be in conformance with the department's use of force policy.

Vehicle contact may be used in non-deadly force situations if the officer is trained in **Pursuit Intervention Techniques** and believes contact is necessary because the risk of personal injury created by the continued chase is greater than the risk of injury from the proposed action. Factors to consider when assessing risks include the number and location of potential victims, the speed of the pursued vehicle, traffic conditions, the suspects' driving conduct, the length of the pursuit, topography, road conditions, obstructions, and the position of other vehicles and people. Vehicle contact should be exercised in a manner that minimizes potential injury.

Authorization for vehicle contact should be obtained from the on-duty Supervisor or Senior Officer.

H. STATIONARY ROADBLOCKS

Stationary road blocks may only be used when MSS 609.066 permits the use of deadly force. The dispatcher and pursuing vehicles should be notified in advance of the location of the stationary road block. The location should be chosen to minimize the potential for injury, in an area where officers can retreat to safety, based on factors including lighting, topography, obstructions, road conditions and configuration, the speed and direction of travel, the volume of traffic, and the potential risk to innocent citizens. The location should allow sufficient sight distance to allow a vehicle to avoid a collision and provide an avenue for escape. Alternatively, officers may consider creating a "channel" to slow down the suspect vehicle while leaving a clear, visible path for escape.

No vehicle used in stationary roadblocks or channeling is to be occupied. Emergency lights on the vehicle shall be activated and the use of at least one siren should be considered.

I. MOVING ROADBLOCKS (BOXING)

A Moving Roadblock is used in an attempt to slow down or redirect a pursued vehicle. Moving Roadblocks may be used when the pursued vehicle is traveling at low speeds. Room must be left for the safe passage of oncoming vehicles and the suspect vehicle.

J. FIREARMS

1. Officers shall not discharge a firearm at or from a moving vehicle unless the use of deadly force is justified and the following requirements can be met:
 - a. The suspect vehicle operator or other vehicle occupant is using or threatening deadly force by means other than the vehicle itself;
 - b. That circumstances are so severe that there is a greater risk created if the officer(s) does NOT shoot, than if the officer(s) does shoot;
 - c. There is substantial likelihood that the projectile will not strike any person other than the intended target;
 - d. The risk of the offender vehicle going out of control after being hit is less than the risk posed by the offender not being captured immediately; and
 - e. The officer reasonably believes the shot will be effective in ending the pursuit.

K. INTERJURISDICTIONAL PURSUITS

In any pursuit, which crosses jurisdictional boundaries, Lakefield officers shall observe their own department policy governing pursuits. When a

boundary is approached, the officer responsible for reporting the progress of the pursuit shall notify the dispatcher of that fact and indicate whether assistance is requested. Officers providing assistance should immediately notify the dispatcher of their involvement.

The initiating agency shall be in charge of the pursuit, unless that agency requests another unit to assume control. All assisting officers shall follow the direction of the officer in charge, unless it violates their own policy. The initiating agency shall be in charge of any arrest. Suspects involved in pursuits within the State of Minnesota that cross jurisdictional boundaries may be taken into custody by the pursuit initiating agency. If an accident occurs, the agency serving the accident location shall determine who will investigate the accident.

If it appears that the pursuit will cross radio communication boundaries, the Jackson County Dispatch will direct officers to the proper frequency.

Pursuits that cross state boundaries will require extradition for the offender to be transferred back to Minnesota. Therefore, the agency with jurisdiction over the area where the pursuit terminates will arrest the suspect as appropriate.

L. AIR SUPPORT

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

M. TRAINING

Officers shall complete a written examination on this policy at a minimum once per P.O.S.T. licensing period for the officer (once every three years). Any deficiencies in the answers will be addressed and the correct responses shared with the officer.

All licensed officers will complete a refresher course on emergency vehicle operation every five years. Individual officer needs, as identified in the refresher course on emergency vehicle operation, will be included in a training program during the annual performance evaluation period.

Information obtained from a review of previous department pursuits will be considered in the overall training needs of the Department and recommendations for policy changes.

The training for this policy should include an analysis of the discretion exercised in deciding when to pursue or terminate a pursuit.

N. PURSUIT REPORTS

The primary officer, supervisor and all officers involved in the pursuit shall file a report. To ensure compliance with Minnesota Statute 626.5532, the Chief of Police shall insure the completion of the state pursuit report form and forward it to the Commissioner of Public Safety within thirty days following the incident. This report must contain the following information:

1. The reason(s) for and the circumstances surrounding the incident;
2. The alleged violation or offense;
3. The length of the pursuit including time and distance;
4. The outcome of the pursuit;
5. Any injuries or property damage resulting from the incident;
6. Any pending criminal charges against the driver as a result of the pursuit;
and
7. Any other information deemed relevant by the Commissioner of Public Safety.

O. EVALUATION AND CRITIQUE

After each pursuit, the supervisor and officers involved with the pursuit will evaluate the pursuit and make written recommendations to the Chief of Police, or designee, on ways to improve the department's pursuit policy and tactics.