

250 – Vehicle Pursuits

250.1 POLICY

The primary purpose of this policy is to ensure officers and any member of the Breezy Point Police Department respects the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The intent of this policy is to provide officers with guidance in balancing the safety of the public, safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit related crashes.

250.2 GUIDING PRINCIPLES

1. A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement officers must often make immediate decisions with partial information.
2. The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1)).
3. No officer will be disciplined for terminating a pursuit.
4. Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2)).
5. The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others (Minn. Stat. §169. 177). Officers should consider reducing their speeds and ensuring the way is clear before proceeding through an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.
6. Officers involved in a vehicle pursuit should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

Breezy Point Police Department

Breezy Point PD Policy Manual

250.3 DEFINITIONS

Pursuit: An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or tail lights, refuses to stop the vehicle, or uses other means with intent to elude a peace officer (Minn. Stat. §609.487).

Termination of a Pursuit: A pursuit shall terminate when the primary officer turns off the emergency equipment, reduces speed to the posted speed limit, resumes routine vehicle operation, and informs dispatch, or when the suspect vehicle stops.

Divided Highway: Any highway which has been separated into two or more roadways by:

a physical barrier, or

a clearly indicated dividing section so constructed as to impede vehicular traffic.

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.

Pursuit Intervention Technique (PIT): Vehicle to vehicle contact technique used to slow down and stop a fleeing vehicle which by its course and action shall cause or is causing a threat to the safety of others, including citizens, officers, or the fleeing suspect.

Flee: 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 (Minn. Stat. § 609.487 Subd. 1).

Primary Unit: The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

Support Units: The primary responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.

Other Assisting Units: Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking, intersections, compelling paths, or otherwise working to minimize risk.

Breezy Point Police Department

Breezy Point PD Policy Manual

Affirmative Methods: Those measures which are intended to bring about an end to the pursuit when a fleeing violator's actions are posing an unreasonable risk of death or great bodily harm to others.

Ramming: The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop. This does not include low speed vehicle to vehicle contact or pursuit intervention techniques when performed in accordance to this policy.

Portable Tire Deflation Device: A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

Blocking or vehicle intercept: A slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking does not include moving or stationary roadblocks.

Boxing-in: A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Termination roadblocks: represent stationary methods used to reduce the speeds of and to restrict the free passage of motor vehicles.

Paralleling: The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws (Minn. Stat. § 169.14, subd. 1).

250.4 PURSUIT CONSIDERATIONS

1. Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.
2. Factors to be considered when weighing risks:
 - (a) Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
 - (b) Speed of the pursuit.
 - (c) Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic).
 - (d) Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3).
 - (e) Approach to intersections that are controlled by traffic signals, signs, or other

Breezy Point Police Department

Breezy Point PD Policy Manual

location where there is an increased likelihood of a collision (Minn. Stat. §169.03).

- (f) Environmental conditions (weather, visibility, road surface conditions).\
 - (g) Special hazards (school zones, road construction, parades, special events).
 - (h) The ability to identify the offender at a later time.
 - (i) Age of the suspect and occupants.
 - (j) Other persons in or on the suspect vehicle.
3. Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:
- (a) The immediate need to apprehend the offender outweighs the risk created by the pursuit.
 - (b) The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
4. Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

250.6 PROCEDURES AND TACTICS - Minn. Stat. § 626.8458 Subd. 2 (3)

- 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.

250.7 RESPONSIBILITIES OF THE PRIMARY UNIT - Minn. Stat. § 626.8458 Subd. 2 (4)

- 1. The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:
 - (a) Travel direction/location/traffic and road conditions.
 - (b) Reason for the initial contact (specific violations).
 - (c) Identity of the fleeing driver, if known.
 - (d) License plate number, if available, and/or vehicle description.
 - (e) Speed of fleeing vehicle.
-

Breezy Point Police Department

Breezy Point PD Policy Manual

2. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force and/or pursuit tactics.
3. Roadblocks must conform to the agency's policy on use of force and/or pursuit tactics.
4. Only law enforcement vehicles with emergency lights and sirens will be used as pursuit vehicles.
5. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

250.8 PROCEDURES AND TACTICS FOR SUPPORT VEHICLES

1. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.
2. When feasible and prudent, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.
3. All participating units should operate under emergency conditions.

250.9 SUPERVISION OF PURSUIT ACTIVITIES

1. The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered.
 2. Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4)).
 3. Procedures regarding control over pursuit activities should include:
 - (a) Verbally acknowledge they are monitoring the pursuit.
 - (b) Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
 - (c) Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
 - (d) Communicate to all involved units if the pursuit should be terminated.
 - (e) Options to keep in mind during a pursuit include, but are not limited to:
-

Breezy Point Police Department

Breezy Point PD Policy Manual

- (f) Parallel pursuits.
 - (g) Channeling techniques.
 - (h) Creating a compelling path.
 - (i) Air support.
 - (j) Spike strips or other tire deflation devices.
 - (k) Pursuit Intervention Techniques (PIT)
 - (l) Blocking or vehicle intercept.
 - (m) Boxing-in.
 - (n) Other apprehension or GPS tracking methods - Minn. Stat. §626.8458 Subd 2 (3)
4. Officers are required to notify a supervisor as soon as practicable following a pursuit.

250.10 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4)):

1. Coordinate pursuit communications of the involved units and personnel.
2. Notify and coordinate with other involved or affected agencies as practicable.
3. Ensure that a supervisor, if available, is notified of the pursuit.
4. Assign an incident number and log all pursuit activities.
5. Broadcast pursuit updates as well as other pertinent information as necessary.

250.11 FACTORS INFLUENCING 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 officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.
2. A supervisor orders it terminated.

Breezy Point Police Department

Breezy Point PD Policy Manual

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.

250.12 INTERJURISDICTIONAL PURSUIT - Minn. Stat. § 626.8458 Subd. 2 (5)

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:
5. The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
6. The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide the appropriate direction to their units.
7. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided by the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5).)
8. If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available and as soon as is practical. Prior to crossing that state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.

Breezy Point Police Department

Breezy Point PD Policy Manual

250.13 FRESH PURSUIT OUTSIDE OF STATE BOUNDARIES

Subject to the conditions above, the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal).

250.14 AIR SUPPORT

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

250.15 PURSUIT SUMMARY REPORT

1. The primary officer and supervisor shall file a pursuit summary report.
2. To ensure compliance with Minn. 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 pursuit.
3. As required in Minn. Stat. §626.5532, the report must contain the following elements:
 - (a) The reason(s) for, and the circumstances surrounding the pursuit.
 - (b) The alleged offense.
 - (c) The length of the pursuit in distance and time.
 - (d) The outcome of the pursuit.
 - (e) Any injuries or property damage resulting from the pursuit.
 - (f) Other information deemed relevant by the Commissioner of Public Safety.

250.16 CARE AND CONSIDERATION OF VICTIMS - Minn. Stat. §626.8458 Subd. 2 (6)

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. Rendering assistance includes but is not limited to (Minn. Stat. §626.8458 Subd. 2 (6)):

Breezy Point Police Department

Breezy Point PD Policy Manual

1. Calling an ambulance.
2. Rendering first aid until the officers are no longer needed at the injury scene.
3. Summoning additional units to the scene for assistance with the injured persons and/or traffic control.

250.17 USE OF AFFIRMATIVE METHODS

1. When using affirmative methods, reasonable measures should be taken to safeguard the lives of innocent persons not involved in the pursuit.
2. Boxing-in the fleeing vehicle is permitted when necessary to slow down and restrict the evasive actions of the fleeing vehicle.
3. Ramming the fleeing vehicle is permitted when the officer has reasonable grounds to believe that such an action is necessary to protect others who are in imminent danger to death or great bodily harm from a fleeing vehicle or a fleeing felon.
4. Tire deflation devices are designed to be used on four wheeled type vehicles only.
5. Termination roadblocks are permitted when necessary to protect others who are in imminent danger of death or great bodily harm from a fleeing vehicle or a fleeing felon. Squads should be vacant and the officer in an area providing safety from the fleeing vehicle.
6. Channeling and the use of a Compelling Path may be considered where applicable when attempting to end a pursuit.

250.18 VEHICLE-TO-VEHICLE CONTACT

The Breezy Point Police Department recognizes that vehicle to vehicle contact may be a legitimate means of terminating a pursuit. Furthermore, all cases of vehicle-to-vehicle contact cannot be construed as the use of deadly force. Vehicle contact is permitted under the following circumstances:

1. The vehicle being pursued has come to a stop or near stop and the contact would likely terminate further flight.
2. Once the officer reasonably believes that a subject is starting to flee, an officer trained in the use of the Pursuit Intervention Technique (PIT) should immediately seek and use opportunities to end the pursuit, using a PIT. Early and proper usage of the PIT will accomplish the twin goals of safety to the public and apprehension of the subject. It is appropriate to use at any time in a pursuit when it can successfully shorten the pursuit and reduce risk to the subject.

Breezy Point Police Department

Breezy Point PD Policy Manual

3. Vehicle contact is permitted whenever the use of deadly force is authorized pursuant to this department's use of force policy.

250.19 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

250.20 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgement are the keys to the successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.

250.21 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.

250.22 TRAINING

In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. In accordance with Minn. Stat. § 626.8458 the chief law enforcement officer shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities.

This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years. Continual training should also be considered for those officers authorized to use the PIT maneuver, tire deflation device deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

If the chief law enforcement officer determines an officer will not be involved in police pursuits, the CLEO must notify POST of the officer's exemption status.