

204A PURSUIT DRIVING

1. Policy

- A. The pursuit of a law violator at high speed is at times a necessary task of law enforcement and an officer must be ready at all times to apprehend violators of the law with the least amount of danger to himself/herself and the general public. Unjustified and unnecessary high speed driving can result in criticism from the public and media.
- B. The following guidelines for officers to consider and utilize when involved in pursuit driving, protects the general public from the undue hazards of vehicle pursuits and ensures that guidance in written form is available to officers for their protection.

2. When to Initiate a Vehicular Pursuit

- A. Pursuits should be initiated only when a law violator clearly exhibits the intention to avoid arrest by using a vehicle to flee or when a suspected violator refused to stop and uses a vehicle to flee. (See MS 609.487) Officers should take into consideration the risks to themselves and the public in any pursuit, as balances against the nature of the offense for which the subject(s) is/are being pursued, the danger to the public if the subject(s) is/are not apprehended, and possible alternative methods of apprehension.
 - a. Officers intending to exercise the “Emergency” condition and stop a vehicle, shall be within as close proximity as possible consistent with the safe operation of the police vehicle, before activating red lights and siren. (See Section 204 “EMERGENCY OPERATION OF POLICE VEHICLES”).
 - b. The officer should not assume that because the red lights and siren are activated on his/her vehicle that all other traffic will yield the right of way. (See MS 169.20). Remember that the pursued vehicle is an even greater threat to pedestrians and the driving public as it is being operated without emergency warning devices.
 - c. The first responsibility of the officer initiating the pursuit (primary unit) is the apprehension of the suspect(s) without unnecessarily endangering himself/herself or other citizens. Unless relieved by a supervisor or senior officer, the officer of the primary unit shall be responsible for broadcasting the status of the pursuit and controlling the pursuit tactics including the decision as to whether or not the pursuit should be terminated.

- d. The following reasons may be cause for terminating a pursuit.

Poor weather, road, and emergency vehicle conditions,

The driver of the vehicle is known to pursuing officer and no serious criminal violation is involved,

The officers physical or emotional condition is taxed and may expose him/her or public to increased risk,

Entering another jurisdiction that will take up the pursuit (See 8. following),

And when instructed by supervisor or senior officer to terminate the pursuit.

3. Use of Firearms During Vehicular Pursuit

- A. For purposes of this policy and to be consistent with Section 210, WEAPONS POLICY, officers shall not discharge a firearm at or from a moving vehicle except as the ultimate act of self defense or the defense of another.

4. Conduct of Pursuit

- A. The initial squad in a pursuit will use emergency equipment i.e. red lights, siren and other appropriate devices which may be available. (See section 204)
- B. The officer(s) in the initiating unit will notify the dispatcher of the pursuit, reason for it, direction of travel and any other information relative to the vehicle being pursued and/or its occupants. Throughout the pursuit the officers shall continue to give th location of the pursuit to the dispatcher.
- C. Officer(s) in the second or back-up squad shall advise the dispatcher of their position & speed of their patrol vehicle. The driver of the second unit must also be cognizant of the safety of others and the undue hazards of pursuit situations. The officer(s) in the first squad are responsible for the arrest and transport of the

suspect(s) and the officer(s) in the second unit will provide assistance as necessary.

- D. No more than two City squads should be in actual pursuit of the suspect vehicle. There should be no caravanning of the other units in an attempt to become involved in the pursuit. Officers involved should not attempt to pass the other vehicles engaged in the pursuit, unless the primary squad becomes disabled or the driver in the primary squad requests relief.

5. **Role of Other Units**

- A. If other City units are available they should remain in the City or their assigned area unless directed to do otherwise by the on-duty supervisor or senior officer in charge. Other units shall refrain from using the radio channel, which is being used by pursuing units, unless the transmission is of an emergency nature.

6. **Vehicle Contact**

- A. Vehicle contact may be used only when the officer 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 suspect's driving conduct, and the length of the the pursuit Vehicle contact should be exercised in a manner that minimizes potential injury. Factors to consider include topography, road conditions, obstructions, and the position of other vehicles and people. .
- B. Vehicle contact with an occupied vehicle is considered a use of force, and must, in addition to the requirements above, comply with Breckenridge Police Department use of force policy.
- C. Use of PIT Maneuver is authorized after taking the risk factors outlined above into consideration. Officers using the PIT Maneuver must have been trained in its use and must execute the maneuver in accordance with the training. PIT training must be completed at the Minnesota Highway Safety Center or similar approved PIT training programs.

7. **Use of Roadblocks - Felony Only**

- A. Because of the extreme and obvious danger inherent in the use of roadblocks in pursuit situations, it shall be the policy of this Department to:

- a. Establish roadblocks only to stop someone who is believed to be or about to commit, is committing or has committed a felony involving actual great bodily harm. They should not be used when it is apparent that innocent persons would be endangered.
- b. Use only public vehicles as physical barriers in blocking situations.
- c. Non-contact blocking maneuvers such as the “running road block” may be used to encourage a violator to stop, however, no ramming or bumping technique should be employed.

8. Other Jurisdictions

- A. Pursuits into other jurisdictions may create an incident wherein that jurisdiction may have a policy in conflict with this policy. In the interest of good inter-departmental relations, every effort should be made to abide by that jurisdiction's policy if it is more strict than our own and it is known to the officer.
- B. With respect to Section 4, D, preceding. When other agencies have been notified and join in the pursuit, it is appropriate for our second or back up unit to terminate the pursuit and return to the City and the primary unit and unit for the present jurisdiction affected continue.
- C. Because of our close proximity with Wahpeton, it is necessary to be advised of their written policy to not exceed 40 MPH in the City limits of Wahpeton. Wahpeton Police are permitted to establish road blocks at their discretion.

9. Other Considerations

- A. Pursuits wherein City vehicles involved must leave the City limits, the supervisor or senior officer should remember that the City will be left unprotected for an unknown length of time. The supervisor or senior officer must consider assisting the pursuing officer if other assistance is not available or remain in the City. If the City is left, some arrangement should be made by contacting other agencies under mutual aid or calling off-duty officers to come to work. The time that the pursuit takes will be a key factor in determining what action to take.
- B. Pursuits involving vehicles traveling at low speeds, under 30 MPH, may also be encountered. This situation may require that pursuing officer to carefully follow the suspect vehicle in much the same manner as the high speed pursuits. It may, however, relax the restriction noted in sections 6 & 7 preceding. When an officer has reason to believe that the driver of a vehicle that is being pursued is an impaired driver (DWI), or the driver is operating a runaway or malfunctioning vehicle and to permit the driver to continue may result in injury to the driver or

the public, the officer may consider a form of vehicle contact or road block as a last resort.

10. Evaluation/Reporting

- A. In addition to the written reports required for any case involving a pursuit (see attached BCA/CJIS form), the primary officer involved in the pursuit must give an oral report to the Chief within five (5) days of the incident. This report will note any equipment deficiency or exception to this policy that was used.
- B. The Chief shall evaluate the pursuit from the information reported and advise the officers involved if any improvements could be made in the course and conduct of the pursuit.

11. Training

- J. Each police officer shall, within the first year of employment, attend a basic defensive driving school or course approved by the Chief.
- K. Each police officer shall attend a refresher in driving skills every 5 years.
- L. The Minnesota Highway Safety Center, St. Cloud, MN is an approved skills course.