

# Faribault Police Department

<b>Policy # 304</b>	<b>Subject:</b> Motor Vehicle Pursuits
<b>Issued by:</b> Chief Andy Bohlen	
<b>Personnel:</b> Sworn Personnel	<b>Date Issued:</b> August 23, 2017

## Policy

It is the primary mission of the Faribault Police Department to protect lives while enforcing the law. In addition, it is the responsibility of the Faribault Police Department to guide its officers in the safe and reasonable performance of their duties when engaged in emergency vehicle operations involving a motor vehicle pursuit. To accomplish these goals, 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 operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions, by statute, from certain traffic laws. These exemptions are provided to help protect lives, not to place them at undue risk.

Officers must carefully exercise their discretion to participate in, continue with, or terminate a pursuit. This discretion necessarily involves the consideration of complex and unpredictable factors. This policy provides guidelines for officers in the exercise of their permitted discretion.

## Definitions

- a. *Pursuit:* A multi-stage process by which a police 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 police officer's signal or order, this pursuit policy and procedure will determine the officer's and department's actions.
- b. *Termination of a Pursuit:* A pursuit shall terminate when the primary officer turns off the emergency equipment, resumes routine vehicle operation and informs dispatch, or when the suspect vehicle stops.
- c. *Divided Highway:* Any highway which has been separated into two or more roadways by:
  1. a physical barrier, or
  2. a clearly indicated dividing section so constructed as to impede vehicular traffic.
- d. *Channeling:* To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- e. *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.

- f. *Pursuit Intervention Technique (PIT)*: A controlled contact between the emergency vehicle and the pursued vehicle at low speeds which is intended to cause the operator of the pursued vehicle to lose control and the vehicle become disabled.
- g. *Tire Deflation Devices*: A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

## **Procedures**

### **A. Pursuit Considerations:**

1. Pursuit is justified:
  - a. When a vehicle operator fails to stop after being given a visual or audible signal to stop by a peace officer; and
  - b. When there is reasonable expectation of a successful apprehension of the suspect
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. Many times the termination of a pursuit is the safest and most appropriate action.
  - 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:
  - a. Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?
  - b. Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?

- c. Is the suspect believed to have committed a felony involving the use or threatened use of deadly force?
- d. Is it believed the suspect will cause death or great bodily harm if apprehension is delayed?

## **B. Safety Considerations for an Officer Engaging in a Pursuit**

1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety. Tactics used will comply with state law and the department's use of force policy (policy 301).
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.
3. The vehicles 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.

## **C. Pursuit Tactics**

When officers have received appropriate training in their use, all intervention tactics such as channeling, compelling path, Pursuit Intervention Technique (PIT) and tire disabling devices should be used when practicable to safely terminate the ability of a suspect to continue to flee. The allowable tactics are:

### *1. Channeling:*

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

### *2. 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.

### *3. Pursuit Intervention Technique (PIT):*

Early and proper usage of PIT will accomplish the goals of safety to the public, the pursuing officer and pursued driver and apprehension of the subject.

PIT shall **NOT** be deployed on a motorcycle or other two-wheeled vehicle, except as authorized under MN State Stat. 609.066 Authorized Use of Deadly Force.

Prior to its use, the following criteria must be considered:

- a. Have all other means of apprehension been considered and rejected as

impracticable.

- b. Is the risk of harm to people of a continued pursuit outweigh the risk of harm to people of an intentional low speed vehicle collision?
- c. PIT will only be performed by a sworn officer, who is trained in PIT from a department approved training course and is current on said training.
- d. PIT will only be performed at speeds of 40 mph or less on straight roadways or 25 mph or less in cornering situations.
- e. Has the location been evaluated to minimize risk?
- f. The PIT officer must have a backup squad present before attempting PIT.

4. *Tire Deflation Devices (TDD):*

Tire deflation devices shall **NOT** be deployed on motorcycles, two-wheeled, three-wheeled or all-terrain vehicles, except as authorized under MN State Stat. 609.066 Authorized Use of Deadly Force.

Prior to its use, the following criteria must be considered:

- a. TDD shall only be used by a sworn officer who has received department approved training in the proper use and deployment of the tire deflation device.
- b. It is reasonably apparent that only the pursued vehicle will be affected by its use. The pursuing officer shall notify all involved pursuit vehicles of the location and placement of the tire deflation device.
- c. Officers should consider deploying the device in an area of the roadway that is conducive to the success of the device (i.e. under bridge decks, single lane roadways, entrance/exit ramps, etc.).
- d. Officers should obtain a position of safety behind some object of cover (i.e. patrol vehicle, bridge abutment, etc.) when deploying the device to protect them from any oncoming vehicles or debris.
- e. Once the suspect vehicle has passed over the tire deflation device, the deploying officer should attempt to clear the roadway of the device and any debris.

**D. 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. 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.
  - e. Description of occupant(s) and if suspect is known to officer.
  - f. Any other important information about the suspect vehicle or environment (for example: suspect is traveling without lights, officer loses sight of vehicle, etc.).
2. Based on the known information, the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
  3. No officer shall intentionally make vehicle-to-vehicle contact unless in conformance with departmental policy on use of force (see Policy 301).
  4. Roadblocks established must conform to the policy on use of force.
  5. Only police vehicles with emergency lights and siren shall be used as pursuit vehicles.

#### **E. Supervision of Pursuit Activities**

1. The on-duty Sergeant, or Officer in Charge, shall exercise control over the pursuit.
2. Once notified that a unit has become involved in a pursuit, the ranking officer or designee shall acknowledge his/her presence immediately, monitor the pursuit activities and provide the driver of the primary and secondary units with appropriate direction.
3. The ranking officer shall request critical information as necessary to evaluate the continuation of the pursuit.
4. The ranking officer has the authority to terminate the pursuit at any time.
5. Options for the ranking officer to keep in mind include, but are not limited to the following:
  - a. In cases involving wrong-way drivers, parallel pursuits may be used.
  - b. Notifying the surrounding jurisdictions.
  - c. Channeling techniques may be used.
  - d. Creating a compelling path.
  - e. Use of the PIT maneuver.
  - f. Use of Tire Deflation Devices.
6. Post-pursuit chain of command notifications are required in writing as stated in J.4. for pursuits that are terminated without injury or property damage and are due at the end of the supervisors shift.

The Patrol Captain or his designee shall be notified as soon as possible of pursuits

that result in significant property damage, personal injury, or death. The Patrol Captain shall notify the Chief of Police.

#### **F. Dispatch Responsibilities**

Dispatch shall coordinate critical information, both as timely and accurately as possible.

#### **G. Factors Influencing the Termination of a Pursuit**

1. The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect.
2. The conditions of the pursuit become too risky for the safe continuation of the pursuit, i.e., it is futile to continue.
3. A supervisor orders it terminated.
4. If information is communicated that indicates the pursuit is out of compliance with policy.
5. When normal communication is broken.
6. When visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
7. When the suspect is known and could be apprehended later, and to delay apprehension does not create a substantial known risk of injury or death to another.

#### **H. Interjurisdictional Pursuit**

1. The primary unit, before leaving its jurisdiction, shall update critical information to the dispatcher.
2. The primary police vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers their authority to another jurisdiction.
3. Upon receiving notification that 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 department's jurisdiction:
  - a. The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the department.
  - b. The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

#### **I. Air Support**

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

unit.

#### **J. 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 peace officer's dispatcher to have the appropriate emergency units respond.
2. The primary pursuit unit shall be responsible for ensuring that 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 specific support or backup unit when they are immediately available to render assistance.

#### **K. Pursuit Summary Report**

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with Minnesota Statutes Section 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. 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.
4. The Sergeant or Officer in Charge who has control over a pursuit shall forward a copy of the pursuit report with an evaluation and critique as outlined in I.

#### **I. Evaluation and Critique**

After each pursuit, the supervisor must evaluate the pursuit and make recommendations to the Chief Law Enforcement Officer on ways to improve the department's pursuit policy and tactics.

This policy is in effect immediately and supersedes previous policies.