

209. EMERGENCY VEHICLE OPERATION: PURSUIT



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. 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. Because vehicle pursuits may be dangerous, however, restrictions must be placed on their use.

Further, 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.

II. POLICY

It is the policy of this Department that when operating an emergency vehicle in pursuit, the officer **shall** always weigh the risks involved against the nature of the offense which caused the pursuit. Pursuit **shall** be terminated when the risks of pursuit outweigh the desirability of apprehension.

All emergency vehicle operations **shall** be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations should utilize both audible (siren) and visual (emergency lights) emergency warning equipment when engaged in pursuit.

All personnel operating departmental vehicles **shall** exercise due regard for the safety of all persons. No assignment should be of such importance, and no task should be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons.

Departmental personnel will be held accountable for the consequences of their disregard for the safety of others.

It is understood that this Policy may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgment, attending to the spirit of this Policy. Any deviations from the provisions of this Policy shall be examined rigorously on a case by case basis. The involved officer must be able to articulate clearly the reason(s) for the pursuit. These reasons must comply with the standards and guidelines set forth in this Policy.

III. DEFINITIONS

The following definitions apply for the purpose expressed in this Policy:

PURSUIT: An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.

SERIOUS FELONY: A felony that involves an actual or threatened attack which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury.

[Refer to Minn. Statute 609.066]. Homicide, 1st and 2nd degree assault, aggravated robbery, sexual assault involving the use of threatened use of a dangerous weapon, kidnapping.

ROADBLOCK: Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle.

PRIMARY PURSUING UNIT: The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

CIVILIAN PERSONNEL: All non-sworn police personnel.

III. PROCEDURE

Pursuit is justified only when the officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists; has committed or is attempting to commit a serious felony; or when the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

Sworn police personnel are the only Department personnel that may engage in a pursuit at any time. No civilians are permitted to ride in a police vehicle during a pursuit.

INITIATING/PRIMARY UNIT RESPONSIBILITIES

The responsibility for the decision to initiate a pursuit and continue a pursuit rests with the individual officer. The officer initiating a pursuit **shall** notify the communications center as soon as reasonably possible that a pursuit is underway.

The initiating officer shall immediately state their unit identification and the specific reason for the pursuit, including known laws violated. In addition, the initiating officer shall provide the communications center with the following information:

- 1) Location, speed, and direction of travel;
- 2) Vehicle description, including license number, if known;
- 3) Number of occupants and their description(s)

Failure to provide the above information the commanding officer/duty supervisor to order termination of the pursuit. In addition, it is the initiating/primary unit's responsibility to establish and maintain communication related to suspect driving conduct, traffic conditions, other clear and articulated facts that would warrant the increased hazard with the Richfield on-duty supervisor.

The initiating or primary unit should be in field command, and bears operational responsibility for the pursuit unless relieved by a supervisor. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the duty supervisor and commanding officer.

The primary unit may maintain pursuit as long as it is prudent to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.

The decision to terminate pursuit may be the most intelligent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit.

ASSISTING UNIT RESPONSIBILITY

Assistance should be coordinated by the communications center under the direction of the commanding officer or the duty supervisor. The duty supervisor and primary unit should be advised of the identity and location of backup units who can assist.

The active pursuit should normally involve not more than two units from any agency: the primary unit and one backup unit. If more assistance is specifically requested, the amount should be determined by:

- 1) Nature of the offense;
- 2) Number of suspects;
- 3) Whether the participating units have more than one officer;

Only the commanding officer or duty supervisor may authorize more than two units to be in active pursuit. All other units should remain aware of the direction and progress of the pursuit but should not actively participate, and should not respond or parallel the pursuit on adjacent streets unless

specifically authorized to do so. Units not assigned to the pursuit should refrain from requesting or asking for additional resources unless authorized by supervisor to do so.

The assisting unit, upon joining the pursuit, **shall** immediately notify the communications center of its identity.

If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.

The assisting unit should maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required. Assisting units should, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.

If the primary unit becomes disabled, the assisting unit should become the primary unit. The communications center should advise the duty supervisor and other units that a new backup unit is needed, and the next unit to join the pursuit should be designated the backup unit.

TERMINATION OF PURSUIT

A pursuit shall be terminated under any of the following circumstances:

- 1) If, in the opinion of the pursuing officer, the commanding officer or the duty supervisor, there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
- 2) The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
- 3) The prevailing traffic, roadway, and environmental conditions indicate the futility of continued pursuit. Risks due to weather, road conditions, vehicle and/or pedestrian traffic outweigh the necessity to immediately arrest the suspect, regardless of the time of day.
- 4) The pursued vehicle's location is no longer known.
- 5) The pursuing officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or a non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.
- 6) Anytime the pursuing officer experiences equipment failure with the police vehicle's emergency red lights, siren, brakes, or steering.
- 7) When it becomes futile to continue the pursuit as in the case where the suspect vehicle is traveling a substantial distance ahead of the pursuing police vehicles and the distance between the officers and the suspect continues to grow.
- 8) If the pursuing officer fails to establish and maintain communication with the Richfield on-duty supervisor.
- 9) When a pursuit is terminated all officers involved must verbally terminate and air their location.
- 10) When a pursuit has been terminated, the pursuing officers shall notify dispatch and:
 - A) Reduce speed to the posted legal speed limit sign
 - B) Turn off emergency lights and sirens
 - C) Turn off the pursuit route at the next available intersection

COMMUNICATIONS CENTER RESPONSIBILITIES

The communications center responsibilities include the following:

- 1) Receive and record all incoming information on the pursuit and the pursued vehicle;
- 2) Immediately notify the duty supervisor when a pursuit is initiated;
- 3) Clear radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information;
- 4) Perform relevant record and motor vehicle checks;
- 5) Control all radio communications during the pursuit which will include frequency designation;
- 6) Coordinate assistance under the direction of the commanding officer or the duty supervisor;

- 7) Continue to monitor the pursuit until it has been terminated;
- 8) Notify outside agencies if the pursuit is leading out of the City.
- 9) Specify that the call is either a request for assistance or merely a courtesy notification for inter-jurisdictional pursuits.

SUPERVISORY RESPONSIBILITIES

1) Commanding Officer

The commanding officer may assume command.

2) Duty Supervisor

Upon being notified of the pursuit, the duty supervisor shall verify the following:

- a) Specific reason for the pursuit
- b) No more than the required or necessary units are involved in the pursuit;
- c) Proper radio frequency is being utilized;
- d) Affected allied agencies are being notified;
- e) Acknowledge responsibility of the pursuit over the radio;
- f) Monitor the pursuit;
- g) Request air support when deemed necessary;
- h) Exercise their authority and responsibility to decide whether to commit additional squads or to terminate the pursuit if they believe that the risk to the general public and officers outweighs the necessity to immediately arrest the suspect;
- i) Respond as soon as possible to the scene when the pursuit is terminated with the apprehension of a suspect or at the scene of a collision. If the pursuit is called off, the pursuit supervisor does not have to respond to the scene;
- j) Whenever practical, supervisors shall not allow the offender or passengers to be removed from the vehicle by the primary pursuit officers. The arrested suspect(s) shall not be transported by the primary pursuit vehicle unless specifically authorized by the pursuit supervisor;
- k) Write a pursuit summary memo including all of the following information:
 - a) Date and time of the pursuit and the Case Control Number (CCN);
 - b) Squad(s) involved in the pursuit;
 - c) Offense that led to the attempted stop;
 - d) General route of the pursuit, approximate distance covered and approximate speeds attained;
 - e) Description of the weather and road conditions;
 - f) Outcome of the pursuit including a description of any damage or injuries sustained as a result of the pursuit;
 - g) Statement as to whether department policies were followed during the pursuit;
 - h) Any information deemed relevant
- l) The Pursuit Summary Memo shall be emailed as an attachment to:
 - a) Patrol Lieutenant
 - b) Deputy Chief

The duty supervisor should continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated.

In the absence of adequate information from the primary or backup unit, the duty supervisor shall order termination of the pursuit.

As with any tactical field problem, it is not necessary that the duty supervisor be physically present in order to begin coordination and assert control of the pursuit.

The duty supervisor should proceed to the termination point to provide guidance and necessary supervision.

EMERGENCY VEHICLE OPERATION AND TACTICS

1) Offensive Tactics:

In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, heading off, or ramming the pursued vehicle while it is in motion **shall** be prohibited, unless such actions are specifically authorized by the commanding officer or the duty supervisor and when the use of deadly force would be authorized.

No officer will intentionally make vehicle-to-vehicle contact unless in conformance with Department Policy #201 "Use of Force." Vehicle contact, when authorized, should be exercised in a manner that attempts to minimize potential injury.

Reckless or hazardous driving maneuvers should not be duplicated by any pursuing vehicle.

2) Number Of Police Vehicles:

Richfield units shall not engage in an active pursuit when there are already 2 units (from any agency) actively pursuing; unless specifically directed or otherwise by the commanding officer or duty supervisor. Other officers should be alert to the pursuit progress and location.

3) Spacing:

All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, should space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

4) Caravanning:

[A line of police vehicles following the general route of the pursuit] There should be no caravanning by field units not directly involved in the immediate pursuit.

5) Passing:

There should be no attempt by officers to pass other field units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the duty supervisor.

6) Unmarked Police Vehicles:

Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to life or the significant probability of causing great bodily harm.

Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle **shall** withdraw from active pursuit and serve in a support role.

7) Controlled Access Roadways:

Officers **shall** not pursue suspects the wrong way on a oneway, interstate or other controlled access highways or divided roadways unless specifically authorized by the commanding officer or duty supervisor.

8) Roadblocks:

The use of a roadblock must be authorized by the commanding officer or the duty supervisor. A roadblock should be employed only as a last resort when deadly force would be authorized (refer to Department Policy #210 "Use of Roadblocks in Emergency Situations").

9) Traffic Control Devices:

Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers should make use of all available warning devices to alert other motorists and pedestrians.

INTERJURISDICTIONAL PURSUITS

The communications center should notify outside agencies if this Department is in pursuit in their jurisdiction. The informing person should specify that the call is either a request for assistance or merely a courtesy notification with no participation desired.

Officers should not become involved in another agency's pursuit unless specifically authorized by the duty supervisor or the emergency nature of the situation dictates the need for assistance.

This will be the case whether the officer becomes aware of a pursuit entering the jurisdiction from information provided by the communications center, or by other means. In any pursuit, regardless of the initiating agency or jurisdiction, Richfield Police Department vehicles shall observe the Richfield Police Department Pursuit policy regarding pursuits.

If the officer becomes aware of the pursuit other than through notification by the Communications Center, the officer should advise the Communications Center of the situation.

The initiating agency **shall** be in charge of the pursuit, unless that agency requests another to assume control. All assisting officers **shall** follow the direction of the officer in charge, unless it violates our Department policies. The initiating agency **shall** be in charge of any arrest. If an accident occurs, the agency serving the accident location **shall** determine who will investigate the accident.

In any inter-jurisdictional pursuit, all Richfield departmental pursuit policies are in effect.

AIR SUPPORT

Once contact is made with air support and air support has suspect vehicle in sight, the primary units' attempts to closely pursue the suspect vehicle should be reduced.

STOPPING/PURSUIT OF VIOLATORS

The responsibility for the decision to stop a violator or pursue a violator rests with the individual officer. In arriving at the decision the officer must carefully consider all factors involved, including the seriousness of the offense, the possible consequences and, most importantly, the safety of the general public.

In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren.

During the course of enforcement activities, specific incidents may escalate from routine stopping situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

ASSISTANCE TO PERSONS INJURED IN A PURSUIT

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

If the pursuing officer becomes aware of a potentially significant injury to a third party resulting from the pursuit, the officer **shall** terminate the pursuit and provide medical assistance as necessary unless an assisting unit in the immediate vicinity stops to render such assistance. Any other units may continue the pursuit if sufficient assistance to the accident victim is being provided.

POST PURSUIT PROCEDURES

The Pursuit section of the *Special Incident Review* form **shall** be completed on every pursuit in conformance with Department Policy #138 "Special Incident Review." This report must contain the following information:

- 1) The reason(s) for, and circumstances surrounding the incident;
- 2) The alleged 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; and
- 6) Any pending criminal charges against the driver.

This report must be filed with the state commissioner of public safety with 30 days.

In addition, all Richfield officers involved in the pursuit shall write a police report/follow-up report detailing their involvement in the pursuit. This applies to pursuits initiated by Richfield officers and/or Richfield officers involved in an interjurisdictional pursuit.

Any pursuit should be immediately reported to a Command Staff member via email.


TRAINING (MSS 626.8458, Subd. 5)

Police officers shall be required to complete in-service training in emergency vehicle operations and in the conduct of police pursuits. The training shall comply with learning objectives developed and approved by the Minnesota POST Board and shall consist of at least eight hours of classroom and skills-based training every five years.

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

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

By Order Of:



Chief of Police

