

East Grand Forks Police Department

Motor Vehicle Pursuits

Directive: 41.2.2

Reference: RSFLEA 41.2.2, MN POST Board Model Policy, IACP National Law Enforcement Policy Center - Model Policy, MN Statute 626.5532 and 609.487

Authorized by: _____
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I. PURPOSE

The purpose of this policy is to establish guidelines for the initiation and continuation of motor vehicle pursuits.

II. POLICY

It is the policy of the East Grand Forks Police Department to protect lives while enforcing the law and to guide its officers in the safe and reasonable performance of their duties. Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. Tactics used to stop a fleeing vehicle may be considered a use of force. It is the policy of this law enforcement agency to regulate the manner in which motor vehicle pursuits are undertaken and performed.

III. DEFINITIONS

A. Motor Vehicle Pursuit:

1. A multi-stage process by which a police officer initiates a vehicle stop and the suspect driver resists the signal or order to stop, increases speed, takes evasive action and/or refuses to stop the vehicle. Once the suspect driver refuses to obey the peace officer's signal or order, this pursuit policy and procedure will determine the officer's and agency's actions.
2. A deliberate attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude apprehension.

B. Authorized Emergency Vehicle: A vehicle of this agency equipped with operable emergency equipment as designated by state law.

C. Pursuit-Rated Vehicle: An authorized emergency vehicle that is specially designed and equipped for use during high-speed pursuits.

D. Primary Unit: The police unit immediately following the suspect vehicle at a reasonable distance and that assumes primary control of the pursuit.

E. Secondary Unit: Any police unit that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

- F. Trail or Trailing: The following of a pursuit at any distance, to include paralleling, intercepting, or tracking.
- G. Caravanning: Direct participation in, or following of, a pursuit by emergency vehicles other than the primary and authorized secondary units.
- H. Termination of a Pursuit: A pursuit shall terminate when the pursuing officer(s) turn off the emergency equipment, resume routine vehicle operation and informs dispatch that the pursuit has been terminated, or when the suspect vehicle stops.
- I. Termination Point: The location where the pursuit comes to a conclusion.

IV. PROCEDURES

A. Initiation of Pursuit

1. Pursuit is authorized when:
 - a. A vehicle operator fails to stop after being given a visual or audible signal to stop by a police officer; and
 - b. There is a reasonable expectation of a successful apprehension of the subject.
2. The decision to initiate a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
3. A pursuit should not be undertaken if the subject(s) can be identified with enough certainty that they can be apprehended at a later time, unless the pursuit, and subsequent apprehension of the suspect is necessary to protect the overall good of the public or officers.
4. In deciding whether to initiate or continue a pursuit, the officer shall take the following into consideration:
 - a. The seriousness of the offense (i.e. the need to apprehend immediately)
 - b. Known information about the suspect
 - c. The risk to the community that is created by the pursuit, to include considerations regarding:
 - (1) Road configuration (e.g. interstate, divided highway, work zone)
 - (2) Physical location and population density (e.g. residential area, school zone, business district)
 - (3) Existence of vehicular and pedestrian traffic
 - (4) Lighting and visibility
 - (5) Weather and environmental conditions
 - (6) The relative performance capabilities of the pursuit vehicle and the vehicle being pursued
 - (7) Officer training and experience
 - (8) Available equipment (i.e. Sufficient officers, Stop Sticks, emergency vehicles that are outfitted with push bumpers and PIT bars, etc.)
 - (9) Speed and evasive tactics employed by the suspect
 - (10) The presence of other persons in the police and/or suspect vehicle
 - (11) Any other condition or situation that would create an unreasonable risk

5. The officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
6. The officer's decision to continue a pursuit may be overridden by a supervisor at any time.
7. A pursuit should not be initiated or engaged in while providing transportation for any person, other than law enforcement officers.
8. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:
 - 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?

B. Pursuit Operations

1. All emergency vehicle operations shall be conducted following jurisdictional laws and related regulations. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
2. Upon undertaking a pursuit, the pursuing vehicle shall activate emergency lights, sirens, and cameras, and they shall remain activated for the duration of the pursuit.
3. 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.
4. Upon undertaking a pursuit, the officer shall notify communications of the:
 - a. initial purpose of the stop (i.e. the offense for which the suspect is being pursued);
 - b. any information concerning the use of firearms, threat of force, or other unusual hazard;
 - c. location, direction and speed of the pursuit (including the speed of the suspect vehicle and the police vehicles);
 - d. description of the pursued vehicle, including license plate number, if known;
 - e. number, identity, and description of any known occupants; and
 - f. any other important information about the suspect vehicle, the suspects or the environment (i.e. the suspect vehicle is traveling without lights or the officer has lost sight of the suspect vehicle).
5. The officer shall continuously update communications on the pursuit conditions, location, weather conditions, and presence of other traffic.
6. Communications personnel shall notify an available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
7. When available, the secondary unit shall immediately notify communications that they are joining the pursuit and should assume responsibility for relaying information to communications. The secondary unit needs to remain at a safe distance behind the primary unit but close enough to provide support and communicate with dispatch.
8. No pursuit shall be conducted in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway.

- a. With supervisory approval, communications should dispatch officers, or request assistance from other law enforcement agencies, to attempt to get ahead of the pursuit and divert on-coming traffic.
9. The number of vehicles involved in a pursuit should be limited. The pursuit should involve a primary and a secondary unit, along with additional vehicles that may be required to help ensure the safety of the involved officers and the public.
 - a. Personnel not directly involved in the pursuit shall stay clear of the pursuit unless instructed to participate by a supervisor. Any additional vehicles should operate at a safe distance behind the primary and secondary units.
 - b. Caravanning and trailing may be allowed as directed by a supervisor. Officers should monitor the progress of the pursuit and be prepared to assist if directed by a supervisor.
 - c. The number of vehicles engaged in a pursuit may be adjusted to fit the situation with supervisory approval.
 - d. A supervisor who has joined in the pursuit and supervises the units shall be considered an additional unit.
 - e. The supervisor shall consider units from other jurisdictions in determining the number of vehicles participating.
10. Whenever possible, pursuit-rated vehicles should be utilized. Only law enforcement vehicles with emergency lights and sirens will be used as pursuit vehicles.
11. The primary unit shall become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned as the primary unit.

C. Supervisory Responsibilities

1. Supervisors are responsible for managing all motor vehicle pursuits to include determining whether the pursuit should continue or be terminated.
2. When made aware of a motor vehicle pursuit, the appropriate supervisor shall notify communications that he or she is monitoring the pursuit and accepting supervisory responsibility.
3. The supervisor is responsible for
 - a. monitoring incoming information;
 - b. coordinating and directing activities as needed to ensure that proper procedures are used, to include ensuring that
 - (1) no more than the necessary number of units are involved,
 - (2) where/when available, aircraft has been requested,
 - (3) the appropriate radio channel is being utilized,
 - (4) ensuring that a LTAC has been established through dispatch;
 - (5) surrounding jurisdictions have been notified; and
 - c. discontinuing the pursuit when necessary.
4. A supervisor shall respond to the completion point of a pursuit when possible. This is not necessary if the pursuit was called off and officer involvement ended.
5. Following the completion/termination of a pursuit the supervisor shall notify the chief of police (or their designee) regarding the incident. Notification shall occur in the following manner:
 - a. In “routine” pursuits that end without injury or significant damage to property the forwarding of a “pursuit report” is sufficient.

- b. In a pursuit that involves injury to any party or significant property damage a telephone call should be placed as soon as is reasonable following the incident.

D. Pursuit Tactics

1. All officers involved in a vehicular pursuit shall wear a seat belt.
2. Non-involved officers shall not follow the pursuit on parallel streets unless authorized/directed by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
3. Available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage from the primary pursuit when a marked unit becomes available.
4. All intervention tactics short of deadly force such as spike strips, low speed tactical intervention techniques, PIT maneuver, and low speed channeling (with appropriate advance warning) should be used when it is possible to do so safely and when the officer(s) utilizing such tactics have received appropriate training.
 - a. Officers shall employ only the force option that reasonably appears necessary to control the situation.
 - b. The decision to use intervention tactics shall be based on careful consideration of all facts known to the officer and should be initiated when conditions permit.
 - c. A supervisor's permission should be obtained prior to the use of intervention tactics unless the suspect's actions do not allow time for such notification.
 - d. Officers should only use the PIT maneuver if they are operating a police vehicle that is equipped with push bumpers with PIT bars unless emergency circumstances require otherwise.
5. Intervention tactics should be used when:
 - a. the officer has reason to believe the continued movement of the pursued vehicle would place others in imminent danger of serious physical injury or death; and
 - b. the apparent risk of harm, to other than the occupant of the pursued vehicle, outweighs the apparent risk of harm involved in making the forcible stop.
6. Forcible intervention techniques, other than the use of stop sticks, should not be used on a suspect vehicle that is not being operated in such a manner that it places others in imminent danger of physical injury. (i.e. a vehicle that refuses to stop but is not being driven in a dangerous manner.)
7. Firearms shall not be discharged from a moving vehicle unless immediate deadly force is authorized and only under extreme circumstances.
8. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics. The suspect(s) shall be taken into custody in accordance with law and agency policy, using only the amount of force reasonably necessary to affect an arrest.
9. Air Support – If air support is available, and once the air support unit has the suspect vehicle in sight, the primary unit shall reduce their level of pursuit to that of a support or backup unit.

10. Care and consideration of victims.

- a. If during the 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.
- b. The primary pursuit unit is responsible for ensuring assistance is provided to people who may have been injured during the course of a pursuit. The primary unit, or the supervisor, may delegate the responsibility to render assistance to a backup unit.

E. Termination of the Pursuit

1. The primary unit and supervisor shall continually reevaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever it is reasonable to believe the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary unit at any time.
3. A supervisor may order the termination of a pursuit at any time.
4. A pursuit should be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the overall good of the public or officers, and apprehension at a later time is feasible. This could include the need to preserve evidence believed to be in the suspect vehicle.
5. Information is communicated that indicates that the pursuit is out of compliance with this directive.
6. The pursuit should be terminated if the pursued vehicle's location is no longer definitively known.

F. Interjurisdictional Pursuits

1. The pursuing officer shall notify a supervisor and communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line. Communications shall immediately notify law enforcement in the jurisdiction being entered by the pursuit.
2. When a pursuit extends into another jurisdiction, the responsible supervisor, or the primary unit if a supervisor is not available, shall determine if the other jurisdiction should be asked to assume the pursuit. The following should be considered:
 - a. The distance between the pursuing and pursued vehicles and the speed involved
 - b. The pursuing officer's level of familiarity with the area
 - c. The willingness and capability of the other jurisdiction to assume control of the pursuit
 - d. Communication limitations at longer distances
3. If it is determined that the control of the pursuit should be relinquished to another jurisdiction, the request shall be clearly relayed to that agency. Confirmation of their acceptance of control of the pursuit should be obtained.
4. Pursuit into a bordering jurisdiction shall conform to the laws of both jurisdictions and any applicable interjurisdictional agreements. The actions of officers shall be governed by the policy of the officers' own agency.
5. Once a pursuit has been taken over by the law enforcement agency of another jurisdiction, the initial pursuing officers shall cease emergency driving unless requested to continue and assist by the new pursuing agency.

G. Pursuits from Other Jurisdictions

1. Participation in a neighboring jurisdiction's pursuit is appropriate only in response to a specific request for participation. Mere notification of the existence of a pursuit shall not be construed as a request for participation. Upon such notification, the communications center shall clarify whether this agency is being requested to assist in the pursuit.
2. Prior to acceptance of a pursuit from another agency, the responsible supervisor shall determine the degree of this agency's involvement, if any, and provide the appropriate direction. The supervisor shall consider the various factors from "A. Initiation of Pursuit" of this directive when deciding whether this agency shall participate in the pursuit.
3. When the pursuit is assumed by this agency and where appropriate, the supervisor shall attempt to cancel units from the other agency.

H. Post-Pursuit Procedures

1. Whenever an officer engages in a pursuit, he or she shall file a written report on the appropriate form detailing the circumstances. This report shall be reviewed by the appropriate supervisor(s) to determine compliance with policy.
2. Any pursuit that results in a fatality, personal injury, or serious property damage shall be investigated by personnel who were not directly involved in the pursuit.
3. All videos of vehicular pursuits shall be reviewed by the supervisor, and/or the investigating authority, following the incident.
4. The department shall analyze police pursuit activity at least annually and identify any additions, deletions, or modifications warranted in departmental pursuit procedures. This analysis shall occur even if a pursuit did not occur during the designated time period and will consider the following implications on the organization:
 - a. Policy
 - b. Equipment
 - c. Training
 - d. Philosophical approach
 - e. Interjurisdictional issues.
5. Any vehicle involved in a pursuit should be inspected before returning to service. Vehicles involved in short pursuits that did not involve emergency driving may be exempted from this clause by the on-duty supervisor.
6. To ensure compliance with MN STAT 626.5532, the chief law enforcement officer (or their designee) shall ensure the completion of the State pursuit form and forward it to the Commissioner of Public Safety within 30 days following the incident. As required by statute 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.
7. Evaluation and critique – After each pursuit the supervisor and law enforcement agency officers involved with the pursuit will evaluate the pursuit and make recommendations to the chief of police on ways to improve this agency's policy and/or pursuit tactics.

I. Training

1. Officers shall receive initial and ongoing training in Emergency Vehicle Operations (EVOC) per the requirements of the Minnesota POST Board.
2. Only officers who have received certification in the “PIT” maneuver shall be authorized to use this maneuver.
3. Officers shall receive EVOC training that includes training in the “PIT” maneuver prior to the expiration of their current EVOC certification.

The following East Grand Forks Police Department Policy is rescinded upon the effective date of this Directive: Vehicle Pursuit Policy (p. 93).