

Vehicle Pursuits/Interventions

307.1 PURPOSE AND SCOPE

State MODIFIED

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to potential risks, including serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. With this in mind, the Burnsville Police Department seeks to limit motor vehicle pursuits to instances involving only serious offenses against persons. This policy provides restrictions on vehicle pursuits and guidelines for officers to follow in those limited cases where a vehicle pursuit is allowed.

Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (Minn. Stat. § 626.8458 Subd. 1).

307.1.1 PHILOSOPHY

State MODIFIED

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. The safety of all persons involved in or by a police pursuit is of primary importance. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit.

A key factor in determining when a vehicle stop attempt turns into a pursuit is: would a reasonable officer believe the driver of the suspect vehicle is aware the law enforcement officer is trying to stop them and the driver resists that attempt.

It is recognized that it takes a reasonable period of time for officers to perceive what is happening, ascertain the suspect's intentions, and then make decisions in alignment with this policy.

It is also recognized vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit. Officers must remember the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. (Minn Stat 626.8458).

307.2 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

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Assist role - 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. An Officer in this role is not actively involved in the pursuit itself.

Boxing in- A tactic designed to stop or prevent a vehicle from moving by surrounding it with law enforcement vehicles.

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)

Other Intentional Contact - The deliberate act of making contact with a vehicle to force the violator's vehicle to stop, render it immobile, or prevent a vehicle from moving.

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

Precision Intervention Technique (PIT)- is a precision maneuver, which involves intentional, vehicle-to-vehicle contact and consists of a pursuing officer applying lateral pressure with the front corner of their vehicle to the rear quarter panel of the fleeing suspect's vehicle resulting in a predictable spin.

Ramming-The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblock - A tactic designed to stop a violator's moving vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Secondary Unit - A law enforcement unit which is actively engaged in a pursuit, but is not the initiating vehicle and is not in control of the pursuit.

Termination of Pursuit- A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.

Tire Deflation device - A device that is designed to puncture the tires of a vehicle. Tire deflation devices safely release the air pressure of the tire in a predictable, controlled manner so the vehicle operator can maintain control.

Vehicle pursuit -An active attempt by a peace officer to apprehend a driver or occupant of a motor vehicle who, having been given a visual or audible signal by a police 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 attempt to elude a peace officer (Minn. Stat. 609.487).Instances in which a police officer activates the emergency light and siren or otherwise clearly gives a signal to stop and the driver complies by coming to a stop in a reasonably short time, are not considered a motor vehicle pursuit.

307.3 OFFICER RESPONSIBILITIES

State **MODIFIED**

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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)).

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). Officer(s) should consider reducing their speeds and ensuring that 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.

Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

307.3.1 WHEN TO INITIATE A PURSUIT

Best Practice **MODIFIED**

Officers are authorized to initiate or continue a pursuit in any of the following instances:

- (a) A violent felony against a person has occurred.
- (b) An offense resulted in or could have resulted in death or great bodily harm to another person.
- (c) The officer reasonably believes death or great bodily harm is likely to occur to another person, if the suspect is not immediately apprehended.

In the instance of a suspected impaired driver, officers shall balance the risks of the public and peace officers before determining the need to pursue. The safety of all persons involved in or by a police pursuit is of primary importance. In the instance where impairment is suspected but the driving conduct does not pose a threat to others, the officer will discontinue efforts to stop the vehicle. In cases where the driver is creating an obvious threat to public safety, which could or is likely to result in death or great bodily harm to another person, members should consider the use of available and reasonable intervention tactics to end the pursuit quickly with safety in mind.

Fleeing at a high rate of speed is not a qualifying reason to pursue a suspected impaired driver.

The offense of Fleeing a Peace Officer in a Motor Vehicle shall not be used as the initial offense to initiate a pursuit.

The following factors shall be considered in deciding whether to initiate or continue a pursuit (Minn. Stat. § 626.8458 Subd. 2(2); Minn. R. § 6700.2701):

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

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- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher or supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Age of the suspect and occupants.
- (l) Availability of other resources, such as aircraft assistance.
- (m) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport.
- (n) Divided highways and one-way roads (Minn. Stat. 169.03, Subd. 3)
- (o) Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increase likelihood of a collision (Minn. Stat. 169.03).

Non-sworn agency personnel are not permitted to drive a police vehicle during a pursuit.

Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle.

307.3.2 WHEN TO TERMINATE A PURSUIT

State **MODIFIED**

The decision to terminate a pursuit may be the most reasonable course of action. Officers must balance the necessity for pursuit or immediate apprehension against the risk and severity of damage or injury that may result. Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during

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the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspects escape. Officers shall terminate a pursuit when directed by a supervisor.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit (Minn. Stat. 626.8458 Subd. 2 (2)).

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officers pursuit vehicle sustains damage, or a mechanical failure that renders it unsafe to drive.
- (d) Hazards to uninvolved bystanders or motorists.
- (e) If the identity of the offender is known and it does not reasonably appear that need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (f) When radio communications are broken or inadequate.
- (g) When the danger that the continued pursuit poses to the public, the officers, or the suspect is too great, balanced against the risk of allowing the suspect to remain at large.

In any instance where an officer would reasonably believe that the vehicle is fleeing outside pursuit guidelines, no further action will be taken to follow, stop, or provide updates on the vehicle location. This includes instances when a vehicle is presumed to be fleeing from officers before the actual stop attempt takes place. Unless within Burnsville Police Department pursuit policy, Officers will not reengage a vehicle that has already fled from this or another agency unless the Officer reasonably believes the contact is unlikely to result in the vehicle fleeing.

Upon termination of a pursuit, all units will return to non-emergency response vehicle operation. Non-emergency response mandates adherence to all traffic laws applicable to the general public.

307.3.3 SPEED LIMITS

Best Practice **MODIFIED**

Emergency vehicles shall be driven in a safe manner and with due regard for public safety. The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Officers and watch commanders shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

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- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

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.

307.4 PURSUIT UNITS

Best Practice **MODIFIED**

The number of units involved will vary with the circumstances of the pursuit and should be limited to what is necessary to safely arrest the suspect(s).

An officer or supervisor may request additional units to join a pursuit if, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its progress and location.

Fully marked black and white vehicles should replace unmarked vehicles whenever practicable.

If during a pursuit any 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.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Best Practice **MODIFIED**

Vehicles not equipped with a red light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as their vehicle is operated in compliance with all traffic laws.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

State **MODIFIED**

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to the officer or other persons (Minn. Stat. § 626.8458 Subd. 2 (4)).

The primary unit should notify Dakota 911, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) Reason for the pursuit (specific violations).
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license plate number, if known.
- (e) Number of occupants.

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- (f) The identity or description of the known occupants.
- (g) Weather, road, and traffic conditions.
- (h) Identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.
- (j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458 Subd. 2 (6)).

Unless relieved by a watch commander or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY UNIT RESPONSIBILITIES

Best Practice MODIFIED

The second officer in the pursuit is responsible for the following:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serve as backup to the primary unit once the subject has been stopped.

307.4.4 DRIVING TACTICS

State MODIFIED

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (3)):

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red, or stop signal, or stop sign but only after slowing down and utilizing a flashing red light or siren as may be necessary for safe operation (Minn. Stat. § 169.03, Subd. 2).
- (c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway (Minn. Stat. § 169.03). In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Request assistance from an available air unit.
 - 2. Maintain visual contact with the pursued vehicle by driving on the correct side of the roadway.

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3. Request other units to observe exits available to the suspects.
- (d) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit, and a clear understanding of the maneuver process exists between the involved officers.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Best Practice **MODIFIED**

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. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws. There should be no paralleling of the pursuit route.

The use of a supervisor that is not directly involved in the pursuit, when available, should be considered. 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)). Procedures regarding control over the pursuit activities should include:

- (a) Verbally acknowledge they are monitoring the pursuit.
- (b) Assess critical information necessary to evaluate the continuation of 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.

307.4.6 PURSUIT TRAILING

Best Practice **MODIFIED**

The term "trail" means to follow the path of the pursuit while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

307.4.7 AIRCRAFT ASSISTANCE

State **MODIFIED**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the primary and secondary ground units should consider whether

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the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)).

307.5 WATCH COMMANDER CONTROL AND RESPONSIBILITIES

State MODIFIED

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command, unless another Watch Commander, Division Commander, Deputy Chief, or the Chief takes control. (Minn. Stat. § 626.8458 Subd. 2 (4)). The Watch Commander shall review all pertinent reports for content and forward them to the Division Commander.

The Watch Commander will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notify involved officers and Dakota 911 of supervisory presence and ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
- (b) Exercise management and control of the pursuit.
- (c) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (d) Direct that the pursuit be terminated if, in his or her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (e) Ensure aircraft assistance is requested if available.
- (f) Ensure the proper radio channel is being used.
- (g) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage Burnsville units when a pursuit enters another jurisdiction.

Any supervisor may terminate a pursuit at any time.

307.6 COMMUNICATIONS

Best Practice MODIFIED

Radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher.

307.6.1 LOSS OF PURSUED VEHICLE

Best Practice MODIFIED

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

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307.7 INTER-JURISDICTIONAL CONSIDERATIONS

State MODIFIED

When a pursuit enters another agency's jurisdiction, the primary officer or watch commander, 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 watch commander ensure that notification is provided to 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)). This notification should include the reason for the pursuit, the present location, direction of travel and other pertinent details. It should also include a clear statement as to whether the notification is either a request for assistance or a courtesy notification with no participation desired.

If a pursuit from another agency enters the department's jurisdiction, Dakota 911 should update the on-duty watch commander.

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Best Practice MODIFIED

Burnsville Police Department officers will discontinue the pursuit when another agency has assumed the pursuit unless continued assistance of the Burnsville Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a watch commander, to the termination point to assist in the investigation.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Best Practice MODIFIED

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, units from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the watch commander should consider these additional following factors:

- (a) Is the pursuit being conducted within the guidelines and requirements of this policy.
- (b) Ability to maintain the pursuit.
- (c) Circumstances serious enough to continue the pursuit.
- (d) Adequate staffing to continue the pursuit.
- (e) The public's safety within this jurisdiction.

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- (f) Safety of the pursuing officers.

As soon as practicable, the Watch Commander should review a request for assistance from another agency. The Watch Commander, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

If an officer is authorized to become involved in a pursuit initiated by an outside agency, such involvement shall normally be limited to a secondary unit. Officers shall not take over or assume control of the pursuit unless a specific request to do so is made from the initiating agency.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 FRESH PURSUIT OUTSIDE STATE BOUNDARIES

Agency Content

If the pursuing officer has received supervisory approval, the officer may continue the pursuit across State lines with those states which grant reciprocity. (Minn. Stat. § 626.65, Uniform Law on fresh Pursuit; Reciprocal.)

In the event a pursuit across State lines occurs, the Watch Commander should consider the officer's ability to continue a prolonged pursuit.

307.9 PURSUIT INTERVENTION AND PREVENTION

Best Practice MODIFIED

Pursuit intervention or prevention is an attempt to terminate the ability of a suspect to flee in a motor vehicle through tactical application of technology, tire deflation devices, boxing-in, PIT (Precision Intervention Technique), ramming, other intentional contact or roadblock procedures. Applications of pursuit intervention or prevention tactics may be a use of force, including deadly force, and are subject to department policies guiding such use.

Intervention tactics may be appropriate and acceptable to prevent pursuits. In these incidents intervention tactics should only be considered in cases involving subjects who pose a threat of death or great bodily harm when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in a vehicle.

Because of the potential risks involved, these techniques should only be employed by officers who have received training in such tactics.

307.9.1 WHEN USE AUTHORIZED

Best Practice MODIFIED

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Whenever practical, the use of intervention or prevention tactics should be employed only after approval of a watch commander. In deciding whether to use intervention or prevention tactics, officers and supervisors should balance the risks of allowing the vehicle to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the vehicle. With these risks in mind, the decision to use any intervention or prevention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision (Minn. Stat. § 626.8458 Subd. 2).

The following factors shall be considered during a pursuit or when deciding whether to use an intervention or prevention tactic:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher or supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Age of the suspect and occupants.
- (l) Availability of other resources, such as aircraft assistance.
- (m) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport.
- (n) Divided highways and one-way roads (Minn. Stat. 169.03, subd. 3)

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- (o) Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increase likelihood of a collision (Minn. Stat. 169.03).

It is imperative that officers act within legal bounds using good judgment and accepted practices.

307.9.2 USE OF FIREARMS

Best Practice **MODIFIED**

The use of firearms to disable a pursued vehicle involves all the dangers associated with discharging firearms. Officers should not utilize 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.

307.9.3 INTERVENTION AND PREVENTION TACTICS

Best Practice **MODIFIED**

Pursuit intervention or prevention, depending upon the conditions and circumstances under which used, may present dangers to the officers, the public or anyone in or on the vehicle. Applications of intervention or prevention tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers who have not received Department approved training in the application and use of any intervention or prevention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where and if an intervention or prevention tactic should be employed. Officers should obtain watch commander approval prior to initiating pursuit intervention or prevention tactics.

- (a) **Precision Intervention Tactic (PIT):** Only those officers trained in the use of the PIT will be authorized to use this procedure upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle. The final decision to utilize the PIT maneuver rests with the pursuing officer even after watch commander approval is obtained.
- (b) **Ramming:** Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 - (a) The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 - (b) The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
- (c) **Other Intentional Contact:** Other intentional contact with stationary vehicles should be reserved for situations where there does not appear to be another reasonable alternative method to prevent a pursuit. Officers must take into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the vehicle. Intentional contact with stationary

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vehicles may be used when it appears reasonably necessary to prevent fleeing in cases involving serious offenses against persons.

- (d) **Tire Deflation Devices:** May be used on stationary vehicles in certain circumstances in an attempt to prevent a pursuit. If used as a means to stop a fleeing vehicle, significant cover shall be used. Tire deflation devices shall only be used in a pursuit for this agency or to assist another agency if the pursuit falls within the guidelines of when this agency would be authorized to initiate a pursuit. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and watch commanders should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) **Boxing in:** The application of this tactic should primarily be employed on stationary vehicles or vehicles moving from a stationary position. Boxing in should only be considered when the officers reasonably believe that attempting a conventional enforcement stop would likely result in the driver attempting to flee in the vehicle.
- (f) **Roadblocks:** Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a moving vehicle is discouraged and should not be deployed without prior approval of a watch commander, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the vehicle substantially outweighs the risks of injury or death to occupants of the vehicle, officers or other members of the public.

307.10 REPORTING AND REVIEW REQUIREMENTS

State **MODIFIED**

In 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. The Service Manager shall serve as the chief's designee to ensure compliance.

Fleeing- The primary officer shall complete the appropriate reports. In any instance where an officer would reasonably believe that the vehicle is fleeing outside the pursuit policy guidelines, including when a vehicle is presumed to be fleeing from officers before the actual stop attempt takes place, a fleeing form will be completed for documentation purposes.

Pursuit-

- (a) The primary officer or watch commander shall complete the appropriate pursuit report.
- (b) Any other officers actively involved in the pursuit shall write supplemental reports, as appropriate.
- (c) After obtaining available information, the on-duty Watch Commander shall complete an interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or designee. This memo should minimally contain the following information as applicable (Minn. Stat. § 626.5532):
 - 1. Date and time of pursuit/fleeing.

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2. Weather, road and traffic conditions.
 3. Vehicle speeds and posted speed limits.
 4. Length of pursuit in distance and time.
 5. Involved units, officers and assisting agencies.
 6. Initial reason and circumstances surrounding the pursuit/fleeing.
 7. Starting and termination points.
 8. Pursuit intervention tactics used.
 9. How pursuit was terminated.
 10. Alleged offense, charges filed or disposition: arrest, citation or other release.
 11. Arrestee information should be provided if applicable.
 12. Injuries and/or property damage.
 13. Medical treatment.
 14. Name of supervisor handling or at the scene.
 15. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police, Deputy Chief, or Division Commander shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

307.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

State **MODIFIED**

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. Emergency Vehicle Operations Course (EVOC) training is minimally required for each officer every five years. 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 per Minn. Stat. 626.8458 Subd. 5.

The Training Sergeant in conjunction with EVOC trainers shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458 Subd. 5 and Minn. R. § 6700.2702).

307.10.2 POLICY REVIEW

Best Practice **MODIFIED**

Each licensed member of this department shall certify electronically that they have received, read and understand this policy initially and upon any amendments.

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307.10.3 YEARLY CERTIFICATION

State **MODIFIED**

This policy shall be reviewed and certified to the State annually that it complies with requirements of any new or revised model policy adopted by the State (Minn. Stat. § 626.8458 Subd. 3).