

OWATONNA POLICE DEPARTMENT MANUAL

PATROL PROCEDURE: 329

EFFECTIVE DATE: January 16, 2024

SUBJECT: PURSUIT DRIVING

Stopping vehicles is a routine and necessary daily activity that is at the very heart of quality law enforcement. This activity, whether in stopping traffic violators or suspicious vehicles, is a dangerous action, which requires officers to perform many tasks to ensure safety.

Vehicle pursuit is justified only when, prior to the activation of any signal to the operator of a vehicle, the officer has a reasonable and lawful basis according to Minnesota law to stop this vehicle.

The vast majority of vehicles, when aware of police presence, will stop as required. There are times, however, when a driver, unaware of a following police vehicle, will continue in violation, or a driver not wanting to be apprehended will flee. In these instances, the vehicle may be pursued and the complexity of safety factors an officer must consider is multiplied.

The goal of a pursuit is to apprehend the pursued violator as quickly and safely as circumstances allow.

GUIDELINES

I. **Prevention/Preparation**

- A. Officers should consistently employ techniques that will discourage a driver from running. These include, but are not limited to:
 - 1. Carefully select the site for the vehicle stop.
 - 2. Attempt known high risk stops only when adequate back-up is present.
 - 3. Activate red lights when you are close behind the subject vehicle when attempting the original stop.
 - 4. Record the vehicle license number and/or other identifying features before attempting the initial stop.
 - 5. Quickly get a physical description of the driver.

- B. In the event an officer becomes involved in a pursuit when a vehicle fails to stop when signaled, the officer shall immediately notify the dispatcher giving the following information if available:
 - 1. A description of the pursued vehicle including:
 - a. License number
 - b. Make of vehicle
 - c. Color
 - d. Number and description of occupants

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2. The reason for the pursuit and/or crime involved.
3. Seek permission from the on-duty supervisor to continue the pursuit. If the on-duty supervisor is not on-duty, request a dispatcher contact the Commander.
4. Direction of travel, speed, and route of pursuit constantly updated.
5. The location where the vehicle pursuit terminates.

C. Evaluating the Circumstances of the Pursuit

An officer shall consider the relative danger of the pursuit in comparison with the public interest of immediate apprehension. In evaluating whether to engage in, continue or terminate the pursuit, the officer shall consider the safety of the public and the safety of officers. Considerations include but are not limited to the following:

1. The nature and seriousness of the observed offense;
2. The degree of recklessness exhibited by the pursued driver;
3. ***The ability of the officer to identify and apprehend the driver at a later time without continuing the pursuit;***
4. Road and weather conditions;
5. The density of traffic and pedestrians;
6. ***The type of police vehicle being used and its capability along with the amount of other police assistance available;***
7. Whether passengers other than sworn police officers are in the police vehicle.

II. Pursuit Responsibilities

- A. A pursuit will normally involve no more than two units. Additional units may sometimes be needed based on such factors as the nature of the offense, the number of suspects and the character of the area. Assisting units not directly involved should station themselves at strategic points in anticipation of assisting when the suspect is stopped.
 1. No officer will intentionally make vehicle-to-vehicle contact unless in conformance with Policy 101, Use of Force.
- B. In the event a pursuit is initiated by a non-standard police patrol vehicle, that unit shall evaluate the circumstances of the pursuit and abandon the pursuit when marked units are in a position to assume control of the pursuit. (Non-standard police vehicles include but are not limited to: SUVs, trucks, motorcycles, class C police units, and plain or unmarked passenger vehicles.)
- C. **Other**
 1. **Emergency vehicles shall be driven in a safe manner and with due regard for public safety.**
 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.**

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3. The pursuing vehicle 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 communication with dispatch. Backup units as needed shall operate at a safe distance to provide support.

D. Communications Center Responsibilities

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Immediately notify the duty supervisor, if available, 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, including frequency designation.
6. Coordinate assistance under the direction of the duty supervisor, if available.
7. Continue to monitor the pursuit until it has been terminated.
8. Attempt to notify outside agencies if the pursuit is leading out of the city. Specify that the call is either a request for assistance or merely a courtesy notification.

E. Duty Supervisor

1. Upon being notified of the pursuit, the duty supervisor should, if possible, verify the following:
 - a. The reason for the pursuit.
 - b. The number of units involved in the pursuit.
 - c. If local or statewide frequency is being utilized.
 - d. Whether affected allied agencies are being notified.
2. *The duty supervisor shall monitor the pursuit, ensure that proper procedures are being followed, provide assistance and coordination, and direct termination if appropriate. The supervisor will also make sure that all necessary follow up reports are completed.*

III Pursuit Techniques

A. Pursuit Intervention Technique

Caution: Only officers who are department trained in the Pursuit Intervention Technique may use it.

Because our primary concern in all pursuits is safety of the public, it is essential that all pursuits be terminated quickly. Once an officer is certain that a subject is starting to flee, the officer should immediately seek and use opportunities to end the pursuit with a

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pursuit intervention technique. Early proper use of this technique will accomplish the twin goals of safety to the public and arrest of the subject. It is appropriate to use at any time in a pursuit when it can successfully shorten the pursuit and reduce risk to the public.

- B. Barricading of roadways as a means of terminating a pursuit or where it will likely cause the pursuit to terminate will not take place without permission of the on-duty supervisor.
1. Before setting up a barricade, the following factors must be taken into consideration:
 - a. The safety of the public
 - b. The safety of officers involved in the pursuit
 - c. The safety of the pursued vehicle occupants
 - d. The level of force being used in setting up the barricade
 2. In setting up a barricade, unoccupied police vehicles may be used if no other equipment is available. Barricading of roadways will not be accomplished with private vehicles. The violator must be given a lane of travel – the roadway cannot be completely barricaded.
 3. **Officers will not occupy police vehicles used as a barricade.**
- C. Moving roadblocks may be necessary in limited situations. The goal is to box in the subject and gradually reduce speed until a stop is accomplished. Because such actions are quite risky and often unsuccessful, justifications for them rest with the officer and his assessment of conditions present and consequences of these tactics. In general, these tactics should be attempted at low speeds. As speed increases, the risk involved increases, until at high speeds these tactics may constitute the use of deadly force.
1. Factors which **MUST** be considered to determine justification:
 - a. Safety of the public
 - b. Safety of the police officer
 - c. Safety of the pursued vehicle occupants
- D. The degree to which barricades and moving roadblocks will be allowed is determined by the crime the violator is known to have committed or what substantial probable cause exists.
1. Felony Pursuits
 - a. Conventional methods to stop vehicle have failed.
 - b. Tactic is last resort to protect public safety.
 - c. Violator is driving in such a manner as to pose an immediate and great threat to public safety.
 - d. Crucial factors of safety have been evaluated.

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2. Deadly Force Pursuits

If the crime for which the violator is being pursued consisted of force of such magnitude where a police officer's use of deadly force is justified:

- a. Violator was involved in a crime that involved the use or threatened use of deadly force.
- b. The escape of the violator, considering the crime he perpetrated, is of greater danger to the public safety than posed by the officer's actions in stopping the vehicle.

E. Stop Sticks

Stop sticks are a useful tool that may be used to aid in terminating a pursuit. The following steps and guidelines are to be considered:

1. Officers must be trained in the use of stop sticks before using them.
2. Officers with stop sticks will try to anticipate the route of the fleeing suspect in order to deploy stop sticks.
3. Stop sticks will not be used for suspects fleeing on a motorcycle.
4. Officers should use cover when deploying stop sticks.
5. Communicate with pursuing officers of the deployment.
6. When it is safe to do so, quickly remove the stop sticks from the roadway.

IV. **Other Tactical Concerns**

A. Firearms

Firearms shall be used only when the use of deadly force is permitted by General Order 201.

B. Pursuit Stops

1. In order to reduce the possibility of injury to the officer as well as the suspect, **all pursuit stops will be conducted as high risk stops.**
2. Only that force which is allowed by law will be utilized in making the arrest.

C. Air Support

If air support becomes available, they will support the tracking of the suspect vehicle and communications. This support will continue to the termination of the pursuit where communications and the possibility of a foot pursuit can be managed.

Officers involved will be allowed to continue to pursue and shall assess the safety factors involved. If they have the opportunity to use P.I.T., they will be in a position to safely end the pursuit.

D. Interjurisdictional Pursuits

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1. In any pursuit that crosses jurisdictional boundaries, officers should observe their own department policies governing pursuits.
 2. When a boundary is approached, the officer responsible for reporting the progress of the pursuit should notify the dispatcher of that fact and indicate whether assistance is requested.
 3. When it is necessary to provide assistance to another agency, officers should immediately notify the dispatcher of our involvement.
 4. 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 their own 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.
- E. Assistance to Persons Injured in a Pursuit
1. The Communication Center shall be notified immediately of any accident and shall notify the appropriate Emergency Medical Service (EMS) provider.
 2. 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.
 3. Any other units may continue the pursuit if sufficient assistance to the accident victim is being provided.
- F. Post Pursuit Procedures
1. A State of Minnesota Pursuit Reporting Form must be completed on every pursuit. The supervisor will sign off on the form. The comment section must include:
 - a. The reasons for, and the circumstances surrounding the incident
 - b. The initial offense
 - c. The outcome of the pursuit
 - d. Any charges against the driver as a result of the pursuit.
 2. Pursuits resulting in an injury to any person or damage to any property shall be documented in a manner consistent with Traffic Accident Reporting, except that Minnesota State Accident Report Form need not be submitted.
 3. Officers using either stop sticks or the Pursuit Intervention Technique shall report the details on the "Use of Force/Tactics" Report. This report is for administrative and training review and a separate file number will be issued.
 4. The duty supervisor shall do the following:

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- a. *Review the facts and circumstances related to each pursuit, including written reports on the incident;*
 - b. Critique the effectiveness of the pursuit and whether the pursuit was conducted in conformity with this policy;
 - c. *Indicate on the report related to the incident, or on a separate memo, the results of that critique with any recommendations; and*
 - d. Sign the report.
5. Copies of the pursuit form and any accompanying reports shall be routed to the Chief of Police, Captain, and Patrol Sergeant. The Chief of Police shall make a final determination of effectiveness and conformance with policy. The completed pursuit form will be forwarded to the Minnesota Bureau of Criminal Apprehension within 30 days of the pursuit.
 6. A finalized copy of the reports related to a pursuit shall be submitted to the Captain of Investigation who will maintain a record of each incident.
- G. Training
1. At a minimum of each POST licensing period, officers shall participate in a review of this vehicle pursuit policy. This training will incorporate a feedback quiz to assist in the understanding of the provisions of this policy.
 2. Training in regard to this policy will be consistent with the Department Emergency Driving Training Program.
 3. Individual/Departmental needs, as identified in the Pursuit Review Report, relating to vehicle operation will be included in refresher training programs.
 4. The training for this policy should include an analysis of discretion factors in deciding when to pursue and when to terminate a pursuit.

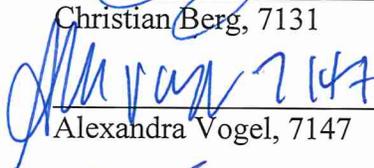
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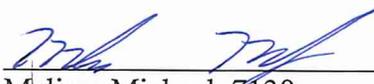
Patrol Procedure 329 was reviewed by the following committee members:

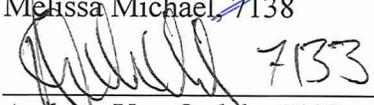
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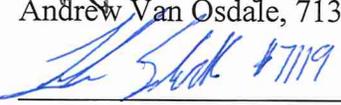
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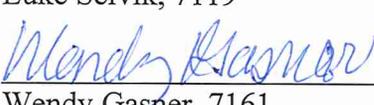
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