

## PIERZ POLICE DEPARTMENT

Policy Name: <b>POLICE PURSUITS</b>	
Policy Number: <b>SECTION 25</b>	<b>REVISION DATE: 12/13/2019</b>
Accepted Date(s): <b>08/14/2006</b>	

### 1. Policy

- a. The pursuing of a law violator at high speeds is at times a necessary task of law enforcement, but a officer must be ready at all times to apprehend the violator with the least amount of danger to himself and the general public.
- b. Vehicle pursuits should not begin if the risk to the citizens outweighs the public safety benefit in stopping the fleeing suspect. Officer's should continuously weigh the present danger to themselves, and the general public, taking into consideration such things as weather conditions, condition of squad car, pedestrian and vehicular traffic, and the seriousness of the offense to determine whether to terminate the pursuit.
- c. There are situations where the risk of personal injury or death associated with a motor vehicle pursuit is too high to justify anything other than discontinuing the pursuit. No member will be disciplined for making a decision to discontinue a pursuit.
- d. While Minnesota law permits emergency vehicles to disregard traffic signs or signals when in pursuit of an actual or suspected violator of the law (Minn. Stat. sec. 169.03), nothing relieves 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 consequences of reckless disregard for the safety of others (Minn. Stat. sec. 169.17).

### 2. Procedure For Pursuit

- a. Officer's driving unmarked vehicles should not be involved in a pursuit except in situations where there are no other emergency response vehicles available. In the event an unmarked officer's vehicle initiates a pursuit, when a marked vehicle becomes available, the unmarked officer's vehicle will take a secondary role and/or drop out of the pursuit. An unmarked vehicle driven by a PIT (Pursuit Intervention Tactic) certified officer may take the lead to complete a PIT maneuver.
- b. No more than two law enforcement vehicles from this office should routinely be involved in any pursuit. The first squad should be considered the primary vehicle, which will be the squad closest to the fleeing vehicle, and a second squad shall be considered the secondary vehicle.
- c. The officer's vehicle used in any pursuit shall have both the red lights on and siren sounding and exercise due regard for public safety.

- d. Applicable Minnesota Statute should be observed during pursuit. Pursuing vehicles should maintain an adequate distance to allow for proper reaction time.
- e. The deliberate striking, ramming, or total blocking of a roadway by a law enforcement vehicle should be considered only to protect the deputy or general public from death or great bodily harm, when no other means of stopping the vehicle are available to them.
- f. The use of Pursuit Intervention Tactics (PIT) is authorized by this office when it can successfully shorten the pursuit, reduce the risk to the public, and prevent the escape of a pursued vehicle and its occupants.
  - i. Officers are authorized to use the PIT maneuver in situations outside the scope of Minnesota Statute 609.66 when the deputy reasonably believes the action will not result in death or great bodily harm to the occupants of the pursued vehicle.
  - ii. Officers should not employ PIT in high-speed pursuits where its use creates a risk of great bodily harm or death to the occupants of the pursued vehicle, unless the deputy is justified in using deadly force pursuant to Minnesota Statute 609.66.
  - iii. Officers should not employ PIT unless trained in its use. Deputies should articulate the reason for employing PIT in their narrative report. If PIT was used in the deadly force situation, deputies should report the factors exhibited, which indicated the justification for deadly force.
  - iv. Members shall consider using the PIT maneuver at the earliest opportunity in a pursuit, knowing the opportunity might be short lived.
  - v. The PIT maneuver may be executed at speeds of 40 mph or less on straight roadways or 25 mph or less in cornering situations. Speeds greater than this may be considered deadly force.
  - vi. The PIT maneuver is not allowed in the following circumstances unless deadly force is authorized.
    - 1. On vehicles with fewer than four wheels.
    - 2. On a vehicle pulling a trailer.
    - 3. On unconventional vehicle types to include, but not limited to, straight trucks, recreational vehicles, off highway vehicles, ATVs, etc.
- g. Intentional Contact.
  - i. Intentional contact shall only be used when other intervention strategies have been considered and determined not practicable.
  - ii. Intentional contact shall be considered a use of force (reported as a pursuit), up to and including deadly force, and must be reasonably applied based on the totality of circumstances presented.
- h. Department issued stop stick road spike devices may be used, consistent with departmental training, to stop a fleeing vehicle.
  - i. It is imperative that all deputies involved in the pursuit are aware of the location of the deployed road spikes so they can slow down in

- time to allow the removal of the devices after the suspect vehicle is crossed.
- ii. Measures should be taken, when possible, to divert other traffic from the area to prevent unnecessary damage to other vehicles.
  - iii. Road spike devices should not be used to stop vehicles having less than four wheels.
  - iv. The officer who deploys the device should remove it immediately after the suspect vehicle crosses it.
  - v. The stop stick reporting form and a brief description of the pursuit and the use of the road spike device will be forwarded to the Chief so that the used stop stick can be replaced.
  - vi. The deployed stop stick should be kept in evidence until such time that it is no longer needed in any criminal matter or civil claim filed against the department. The deployed stop stick may be disposed of if its continued possession is not necessary for any other reason.
- i. Officer's may set up roadblocks or assist another agency in a roadblock under the following circumstances.
    - i. A supervisor on duty or senior officer (in the absence of a supervisor on duty) has approved participation in a roadblock.
    - ii. The roadblock allows the suspect vehicle an avenue of escape (a closed barrier will not be created).
    - iii. Vehicles used in roadblocks will be unoccupied.
    - iv. Adequate warning of an upcoming roadblock should be clearly visible thereby allowing vehicles to come to a safe stop.
    - v. The dispatch center should be notified of the roadblock location and announce it over the air to all vehicles involved in the pursuit.
    - vi. Dispatch will make all efforts to advise all deputies setting up the roadblock of the speed and approximate distance the actual pursuit is from the roadblock location, updating this information as often as is practically possible to ensure deputy safety.
  - j. When a officer's vehicle becomes involved in a pursuit the officer should, as soon as practical, advise dispatch, at a minimum, the following:
    - i. Officer badge number.
    - ii. Location and direction of travel.
    - iii. Vehicle description including license plate if possible.
    - iv. Reason for the pursuit.
    - v. Request emergency traffic if deemed appropriate.
    - vi. Progress of the pursuit.
  - k. Dispatch should:
    - i. Anytime an officer notifies dispatch they are in pursuit of a subject, whether by vehicle or by foot, the dispatcher should immediately radio emergency traffic only or 10-33 traffic on the main. Dispatch should also route all radio traffic not related to the pursuit to an interop channel, example MO-3.
    - ii. The pursuing officer will relay updates as to the status of the pursuit or the location of the pursuit to dispatch via radio.

1. Dispatch should repeat back the information to this officer to ensure they heard and understood the communications and to ensure other officers responding understand the communications.
2. Dispatch should log all radio traffic in the CAD comments.
- iii. If the officer indicates that the pursuit is entering or heading toward another jurisdiction, dispatch should confirm with the officer if they want that jurisdiction notified of the pursuit.
  1. If the pursuit is entering or heading toward another jurisdiction, the following steps should be followed.
    - a. Dispatch should go to the Status Board, determine the first available LTAC talk group (LTAC 1-4), and reserve it for the pursuit.
    - b. Dispatch should also go to the LTAC channel that they reserved on the radio and announce that Morrison County is reserving the LTAC channel for a pursuit.
    - c. Dispatch should then patch the reserve LTAC channel to the Morrison Main channel and do a multi select with the channels.
    - d. The jurisdiction should be notified of the pursuit, along with the assigned LTAC channel and any available information regarding the pursuit.
  - iv. Dispatch should continue emergency traffic until the pursuit is ended and the officer indicates that it can be cleared.
  - v. After emergency traffic has been cleared, the dispatcher should clear any patches and clear the status board entry.
  - vi. Dispatch should send any other resources that may be necessary at the request of the officer.

\*\*If the pursuit is entering our county from another jurisdiction, we CANNOT patch the Morrison Main channel to the LTAC channel that the other jurisdiction has patched with their channel. Dispatch will have to monitor the LTAC channel that the other jurisdiction is using. If any officers from our county get involved with the pursuit, they will have to go to the LTAC channel. If the pursuit enters our county, dispatch will ask if Morrison County is in the lead or the other jurisdiction. If Pierz Police Department takes the lead, the dispatcher should advise all units that Pierz Police Department will now be calling the pursuit and the dispatcher will take over dispatching the pursuit. The Morrison County dispatcher will utilize the LTAC channel only then to call the pursuit.

- i. The ranking supervisor (if on duty) should take responsibility for the pursuit upon being advised of it. If no supervisor is working, the officer initiating the pursuit shall be responsible. Both the primary and secondary units share the responsibilities of determining the need for further assistance and requesting it through dispatch. When other agency's actions are in violation of our policy and control of the pursuit is lost, the pursuit should end.

- i. Members shall not become involved in an allied agency's pursuit as a primary or support unit unless a common radio communication talk group is utilized and monitored by Dispatch.
- ii. Members shall only become involved, and remain in, an allied agency's pursuit as a primary or support unit if:
  - 1. The pursuing agency requests it, unless it is clear that an emergency exists which dictates immediate intervention and assistance; and
  - 2. The pursuit meets the Pierz Police Department policy; and
  - 3. The originating agency remains in the pursuit, unless extenuating circumstances prohibit it (e.g. pursuits entering Minnesota, originating agency's vehicle becomes disabled, etc.). The originating agency's internal policy or their supervisory decisions are not extenuating circumstances.
- m. If another non-involved person or pedestrian is struck or injured during a pursuit, the secondary unit should break off pursuit, advise dispatch, request further backup, and render necessary assistance to the injured party. If only one squad car is involved in the pursuit and the above occurs, the officer should terminate the pursuit, render necessary assistance, advise dispatch, and also request further assistance as needed. The officer should also advise dispatch of the pursued vehicle's last location and direction of travel.
- n. Unless a pursuit is based upon a severe and imminent threat\*, it should be terminated when:
  - i. The danger to the peace officer and general public becomes greater than the benefits of an arrest.
  - ii. When notified to do so by an immediate supervisor.
  - iii. When mechanical failure of a squad car greatly hampers continuing the pursuit.
  - iv. The officer loses sight of the violator for an extended period of time.
  - v. There is a non-sworn passenger present in the Pierz patrol unit.
  - vi. It is known or there is reason to know that the fleeing driver is a juvenile.

**\*Severe and imminent threat is defined as:** The fleeing driver or other person in the fleeing vehicle is believed to have recently caused great bodily harm (as defined in Minn. Stat. sec. 609.02, subd. 8) or death to another person, or it is reasonably likely to occur if immediate action is not taken to apprehend him/her. The pursuit itself does not constitute a severe and imminent threat.

The Pierz Police Department Officers should monitor radio traffic and be available to assist as requested. They should remain close enough to assist without interfering with the primary or secondary vehicles.

- o. After each pursuit, the deputies actively involved in the pursuit shall prepare all appropriate reports and forms.
- p. Each pursuit should be reviewed by the Chief of Police.

- q. In the event a law enforcement aircraft becomes involved in the pursuit, Deputies will fall back into a support role, backing off active pursuit, and allowing the aircraft to take over the primary role.