

POLICY AND PROCEDURES MANUAL

Fergus Falls Police Department

Policy Title	Policy Statement on Emergency Vehicle Operation, Operation of Vehicle Without Lights, and Vehicle Pursuits
Policy Number	513 (Formerly 70.01) The Fourth Amendment to the United States Constitution United States Code, Title 18-Section 242, Title 42-Section 1983 <u>Case Law Created By:</u> Tennessee v. Garner, 471 US 1 (1985) Graham v. Connor, 490 U.S. 386 (1989) Brower v. Inyo County, 489 vs. 593 (1989) County of Sacramento, Et. Al. v. Lewis No 96-1331 (1998) Seekamp v. Michand, USCA 1 st Circuit 96-1923 MN State Statutes 13.82, 169.03-Subd. 2-5, 169.17, 169.20-Subd. 5, 169.541, 169.686, 609.06-Subd. 1 (a-d), 609.066, 609.487, 626.5532, 626.843-Subd. 1(l), 626.8452, and 626.8458 MN Rules 6700.2700-2704, 6700.0900
Effective Date	November 1, 2010
Distribution	All Licensed Peace Officers and Administrative Coordinator
Rescinds	July 1991, November 1993, July 1, 1999, April 4, 2000, August 10, 2003, Fergus Falls Police Department Policy 70.7

PURPOSE

The purpose of this policy is to promote safe and proper operation of police vehicles during pursuit and emergency driving situations. The intent of this policy is to provide members of the Fergus Falls Police Department with clear guidelines regarding pursuit of a motor vehicle and emergency operation of Fergus Falls Police Department vehicles.

POLICY

It is the policy of the Fergus Falls Police Department to actively pursue and apprehend violators, or suspected violators of the law, respond quickly to reports of crimes in progress, traffic accidents, and other emergency situations. The use of Fergus Falls Police Department vehicles in such situations is the logical means by which pursuit or emergency response usually occurs. The issue of safety extends to the public and all law enforcement officers involved and/or the occupants of a pursued vehicle. Fergus Falls police officers shall be especially cognizant of the fact that, while operators of emergency vehicles are granted exemptions by statute from certain traffic laws, the operator of an emergency vehicle has the legal and moral responsibility to exercise these exemptions in a manner that does not create undue risk to the lives of all others.

To accomplish these goals, the following policy is provided to regulate the manner in which emergency vehicle operations are performed.

DEFINITIONS

Emergency Vehicle Operation: Emergency vehicle operation occurs when a Fergus Falls Police Department vehicle is being driven with red/blue lights and/or siren activated.

Operating Without Lights: During the hours of darkness officers are allowed to approach a crime scene or a suspect without lights. This is to gain a tactical advantage, and is an exception to Minnesota Statutes requiring lights.

Pursuit: A multi-stage process by which a police officer initiates a vehicle stop and the subject refuses the signal or order to stop, increases speed, and/or takes evasive action. Once the driver refuses to obey the police officer's signal or order, this pursuit policy and procedure will guide the officer's and department's actions.

Pursuit Intervention Technique (PIT): A driving maneuver conducted by an officer trained in the tactic whereby the officer will touch his/her moving vehicle to the back quarter panel of a fleeing suspect's vehicle. Once contact occurs, the pursuing officer turns into the suspect's vehicle and accelerates. This maneuver causes a loss of tire traction to the suspect's vehicle and can cause the suspect's vehicle engine to shut down.

Termination of a Pursuit: A pursuit shall terminate when the suspect stops, or when pursuing officers turn off emergency lights and siren and recommence routine vehicle operation; advising dispatch of such.

Divided Highway: Any highway which has been separated into two or more roadways by:

1. A physical barrier, or
2. A clearly indicated dividing section so constructed as to impede vehicular traffic.

Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

Compelling Path: The use of channeling technique with a modified roadblock located at its narrowed end, such as a deployed tire deflator device. The compelling path differs from a termination roadblock in that the driver of any vehicle traveling the path has an exit option at the narrowed end.

Roadblock: Is a deliberate obstruction of traffic on a roadway. It does not mean a complete stoppage of traffic or a complete blockage of the roadway.

Tire Deflation Devices: Fergus Falls Police Department owned equipment which provides officers the means by which to employ an affirmative-stopping tactic against moving vehicles.

I. Procedure for Emergency Vehicle Operation

- A.** Operation of a police vehicle in the emergency mode is permitted when red/blue lights and/or siren are activated and the situation dictates emergency vehicle operation.
- B.** Officers of the Fergus Falls Police Department will not pass another emergency vehicle unless radio contact has been established, asking and receiving permission to pass, prior to commencing of the action.

- C. Officers of the Fergus Falls Police Department are exempt from certain traffic regulations while they are operating a Fergus Falls Police Department vehicle as an emergency vehicle (**displaying red/blue lights and/or audible siren**) in response to an emergency call or in pursuit of a suspected law violator.

The specific exemptions are:

1. Speed limit restrictions;
2. Stop signs and stop signals;
3. One way roadways; or
4. Parking at emergency scenes.

II. Procedure for Operating Vehicle Without Lights

- A. Fergus Falls police officers may be exempt from the lighting requirements of Minnesota Statutes when the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation of state law, and if the officer's conduct is consistent with the regulations established by Minnesota Rule and Statute.
- B. During the hours of darkness, officers **may not** operate a Fergus Falls Police Department vehicle without headlights in the following situations:
1. On Interstate 94.
 2. At speeds greater than what is reasonable and prudent given existing weather, road, and traffic conditions.
 3. In situations where the officer is an active participant in a vehicle pursuit.
 4. Contrary to the elements listed in Minnesota State Statute 169.541 (Lighting Exemptions for Law Enforcement, Standards).
 5. When a Fergus Falls Police Department vehicle is in **motion** and the operating officer is attempting to clock, overtake, or stop a suspected misdemeanor traffic violator.
- C. In the event that a traffic crash occurs during the operation of a Fergus Falls Police Department vehicle without lights, the officer involved will provide, in writing to the Chief of Public Safety, a detailed written report setting forth the circumstances. If the involved officer is unable to provide this report due to injury, the immediate supervisor shall complete the report.

III. Pursuit Operations

A. Pursuit is justified:

1. When a vehicle operator fails to stop after being given a visual or audible signal to stop by a police officer; and
2. When there is reasonable expectation of a successful apprehension of the suspect.

B. Other factors to be considered:

1. The initial decision to engage in a pursuit shall lie primarily with the officer who has initiated the vehicular stop, after considering the elements of this policy.
2. These elements shall include, but are not limited to, the crime for which the suspect is wanted (the need to apprehend immediately) and the risk to the community created by the pursuit (traffic, area of pursuit, environmental factors, and weather conditions).
3. The officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
4. Terminating a pursuit shall be considered a decision made in the interest of public safety. Sometimes the termination of a pursuit is the safest and most appropriate action.
5. The officer's decision to continue a pursuit may be overridden by a supervisor at any time.

C. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit, shall include the following:

1. Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?
2. Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?

IV. Procedures and Tactics for an Officer Engaging in a Pursuit

- A.** Fergus Falls Police Department emergency vehicles shall be driven in a safe manner and with due regard for the safety of all involved.
- B.** Fergus Falls police officers operating vehicles in emergency mode are permitted to violate certain traffic regulations when necessary, as long as the officer continues to exercise due care in vehicle operation. **Officers are reminded that they must utilize activated red/blue lights and siren simultaneously in all pursuit situations and only vehicles so equipped will be involved in pursuits.**
- C.** The vehicle which is located in the nearest vicinity to the pursued vehicle shall be known as the primary unit. Other vehicles which join in the pursuit are known as secondary or support vehicles. When available, the operator of the second pursuing vehicle will call out the pursuit. Officers operating the primary and secondary pursuit vehicles in the course of the pursuit shall maintain a reasonable and safe distance from all other vehicles in order to reduce the possibility of collision.

Other police units in the vicinity of the pursuit may, as needed or directed by a supervisor, be deployed to the pursuit as secondary units. The operators of these secondary vehicles are also charged with maintaining adequate intervals to prevent collisions.

V. Responsibilities of the Primary Unit

- A.** The driver of the primary unit shall notify dispatch when a pursuit is initiated, and minimally provide at the following critical information:
 1. Unit identification.
 2. Offense for which the suspect is being pursued.
 3. Suspect vehicle description, including license number, if possible.
 4. Location, direction, and speed of both vehicles.

5. Description of occupant(s) and if suspect is known to the pursuing officer.
 6. Any other important information about the suspect vehicle or environment (for example: suspect is traveling without lights, officer loses sight of vehicle, etc.).
- B. Based on the known information, the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
 - C. Vehicle-to-vehicle contact is to be avoided unless deploying a P.I.T. maneuver, which is to be in conformance with departmental policy on Use of Force (502) and within the training and practice guidelines set forth and taught for the PIT technique.

VI. Supervisor's Responsibilities

- A. The supervisor shall have control over the activities of the pursuit.
- B. Once notified that a unit has become involved in a pursuit, the supervisor shall acknowledge his/her presence immediately, monitor the pursuit activities, and provide the driver of the primary unit with appropriate direction. Supervisors are also responsible for committing additional secondary units so that caravanning is limited.
- C. The supervisor shall request critical information necessary to evaluate the continuation of the pursuit.
- D. The supervisor has the authority to terminate any pursuit.
- E. Options for the supervisor to keep in mind include, but are not limited to, the following:
 1. In cases involving wrong-way drivers, parallel pursuits may be used.
 2. Notification of the next jurisdiction is encouraged.
 3. Channeling techniques may be used.
 4. Creating a compelling path.
 5. Tire Deflator Devices may be deployed as stationary road blocks
 6. The use of the Pursuit Intervention Technique (P.I.T.)
- F. Roadblocks established must conform to the policy on Use of Force.

VII. Dispatch Responsibilities

The Otter Tail County Dispatch Center shall coordinate critical information as timely and accurately as possible.

VIII. Factors Influencing the Termination of a Pursuit

- A. The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect.
- B. The conditions of the pursuit become too risky for the safe continuation of the pursuit, i.e., it is futile to continue.
- C. A supervisor orders it terminated.
- D. If information is communicated that indicates the pursuit is out of compliance with policy.
- E. When normal communication is broken.

- F. When visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
- G. When the suspect is known and could be apprehended later, and to delay apprehension does not create a substantial known risk of injury or death to another or the loss or destruction of evidence of a felony level crime.

IX. Interjurisdictional Pursuit

- A. The primary unit, before leaving the city of Fergus Falls, shall update critical information to the dispatcher.
- B. The primary police vehicle shall remain the primary vehicle in pursuits entering Otter Tail County.
- C. Upon receiving notification that the pursuit is entering Otter Tail County or another county's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to Otter Tail County Deputies or another county's dispatch center.
- D. When a pursuit from another jurisdiction enters the City of Fergus Falls:
 - 1. The dispatcher shall update the critical information to the shift supervisor.
 - 2. The supervisor shall determine if the pursuit is in conformance with policy.
 - 3. The supervisor shall provide the appropriate direction to Fergus Falls Police units.

X. Use of Roadblocks

- A. The use of roadblocks must conform to the Fergus Falls Police Department's Use of Force Policy (502). As always, the primary factor to be considered is the safety of all concerned.

Of paramount importance in the utilization of roadblocks is broadcast of the exact location and the acknowledgement of that location by pursuing units.

For the purpose of the safety of all involved, roadblocks created by the Fergus Falls Police Department will only involve the partial blockage of the roadway, ideally with tire deflators. In **extreme situations**, it may be necessary to utilize an unoccupied patrol car to channel a fleeing vehicle.

- B. If an extreme situation is indicated, the use of a Fergus Falls Police Department patrol vehicle is governed by the following conditions:
 - 1. The patrol vehicle will have all of its lights on.
 - 2. The patrol vehicle will be unoccupied.
 - 3. The patrol vehicle will be positioned to insure an exit lane is available to the pursued vehicle.
 - 4. The blocking patrol car will not be positioned in a manner where its headlights may blind the driver of the pursued vehicle.
 - 5. Officers operating the roadblock car shall place themselves in a position of safety.
 - 6. Patrol cars will not be utilized in roadblock situations involving motorcycles or all terrain vehicles.

XI. Use of Tire Deflator Devices

The Fergus Falls Police Department utilizes Stop Stick tire deflation devices. These devices may only be used in conjunction with a stationary roadblock. The decision to deploy these devices shall be made in consideration to the principles outlined in this policy. The following are specific actions or considerations that must be made or taken when utilizing Tire Deflator Devices.

- A.** Officer safety is a primary consideration when deploying the Stop Sticks and risk factors are to be considered. Among these considerations would be:
 - 1. Providing adequate protection from being struck by the oncoming vehicles involved in the pursuit.
 - 2. Allowing enough time for deployment; a minimum time factor for deployment is 60 seconds. (Time and distance are to be considered by the officer deploying the device.)
- B.** The device is to be placed opposite the parked and illuminated squad car. The trunk lid of this vehicle shall be closed.
- C.** Tire Deflator devices will not be used when the pursuit involves motorcycles, three-wheeled vehicles or all-terrain vehicles
- D.** It is imperative that all officers involved are aware of the exact location of deployed tire deflators so they can slow in time to allow the removal of the device after the suspect's vehicle crosses it. Measures should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.
- E.** It is the sole responsibility of the officer who deployed the device to remove the device from the roadway. Additional responding vehicles will provide traffic control while this is accomplished. Removing the device can be quickly accomplished by pulling it completely across the roadway towards the parked vehicle.
- F.** When the roadway is clear, pursuing squads may continue the pursuit as necessary.
- G.** Officers will conduct hands-on training exercises at the direction of Sergeants and view the training tapes available prior to being authorized to deploy these devices.

XII. Pursuit Intervention Technique

- A.** Officers may be authorized to use the P.I.T. maneuver in situations when the officer is reasonably sure that the action will not result in death or great bodily harm to the occupants of the pursued vehicle.
- B.** Officers shall not employ P.I.T. unless trained in its use.

XIII. Air Support

In rare situations, the Fergus Falls Police Department may have the assistance of the Minnesota State Patrol's Flight Unit. In those instances, the following applies:

- A.** Once contact is made with air support and air support has suspect vehicle in sight, the primary pursuit unit shall reduce the level of pursuit to that of support or other backup unit.

XIV. Care and Consideration of Victims

- A.** If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the peace officer's dispatcher to have the appropriate emergency units respond.
- B.** The primary pursuit unit will be responsible for ensuring that assistance is provided to people who may have been injured during the course of a pursuit. The primary pursuit unit may delegate the responsibility to render assistance to a specific secondary or support unit when they are immediately available to render assistance.

XV. After Action Reporting

- A.** Both the primary officer and their supervisor shall file a detailed written report concerning the pursuit. The primary officer shall also complete the Minnesota Pursuit Reporting Form.
- B.** To ensure compliance with MN State Statute 626.5532, information provided on the Minnesota Pursuit Reporting Form will be forwarded to the BCA within 30 days by the Records Section. This shall be accomplished by completing the BCA reporting form using the information on the Pursuit Reporting Form. The BCA form is maintained in a computer file in the department's Records Section, and shall be submitted electronically via Email.
- C.** The report must contain the following elements:
 - 1. The reason(s) for and the 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.

XVI. Evaluation and Critique

After each pursuit, the supervising Sergeant and department units involved with the pursuit will evaluate the pursuit and make recommendations to the Chief of Public Safety on ways to improve the department's pursuit policy and tactics.

XVII. Training

The Fergus Falls Police Department will train all of its officers in Pursuit and Emergency Vehicle Operations in accordance with POST requirements and standards.