

WINONA POLICE DEPARTMENT

NUMBER: 102-01 PAGES: 9

EFFECTIVE DATE: November 16, 2012

SUBJECT: PURSUIT AND EMERGENCY VEHICLE OPERATION

1.0 PURPOSE:

It is the purpose of this general order to establish policy and procedures for the operation of police vehicles in pursuit and emergency situations by all officers of the Winona Police Department pursuant to Minnesota Statute section 626.8458, subd. 2.

2.0 POLICY:

2.1 It is the primary mission of the Winona Police Department to enforce the law, prevent crime, maintain order, and protect the public from unreasonable danger whenever possible.

2.2 It is the responsibility of the Winona Police Department to guide its officers in the safe and reasonable performance of their duties.

2.3 The following policy is established to provide guidance on the manner in which pursuit and emergency vehicle operations are undertaken and performed.

2.4 Officers should use reasonable professional judgment in deciding when, where, and to what extent they initiate and continue a pursuit of suspects in motor vehicles.

2.5 When engaged in pursuit and emergency vehicle operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions, by statute, from certain traffic laws. These exemptions are provided to help protect the safety of other persons. Officers should therefore drive with due regard for the safety of others.

3.0 DEFINITIONS

3.1 Pursuit: A multi-stage process by which a police officer initiates a vehicular stop and a driver resists the signal or order to stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or takes other action in an attempt to elude the officer. Once the driver refuses to obey the police officer's signal or order, this pursuit policy and procedure will determine and provide guidance on the officer's and department's actions.

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- 3.2** Emergency: A call requiring the immediate response of an officer.
- 3.3** Terminate: Termination of a Pursuit: A pursuit is considered terminated when either the primary officer turns off the emergency equipment, resumes routine vehicle operation and informs dispatch; or when the suspect vehicle stops.
- 3.4** Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- 3.5** Compelling Path: The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.
- 3.6** Squad(s) or Squad Car(s): Police vehicle equipped with emergency lights and siren.
- 3.7** Primary Unit/Officer/Squad: The initial police vehicle and officer involved in a pursuit.
- 3.8** Secondary Unit/Officer/Squad: The police vehicle and officer(s) providing direct support to the primary unit.
- 3.9** Motor Vehicle: Motor vehicle means every vehicle which is self-propelled and includes, but is not limited to, snowmobiles, off-road recreational vehicles, and motorboats.
- 3.10** Should: Should means that an act is recommended, but the officer should use his or her professional judgment in deciding whether to take such course of action.

4.0 PURSUIT CONSIDERATIONS:

- 4.1** Pursuit is permissible in the following circumstances:
 - 4.1.1** When a suspect fails to stop after being given a visual or audible signal to stop by a peace officer;
 - 4.1.2** The officer knows or has reasonable grounds that the suspect committed an offense; and
 - 4.1.3** There is reasonable expectation of a successful apprehension of the suspect.

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4.2 The primary officer should consider the following factors in determining whether to initiate or continue a pursuit:

4.2.1 The officer who initiated the vehicular stop shall decide whether to initiate a pursuit, after considering the factors in this policy.

4.2.2 The factors an officer should consider include, but are not limited to, the crime for which the suspect is wanted, the need to apprehend immediately, the consequences of not apprehending the suspect, and the risk to the community created by the pursuit taking into consideration the traffic, area of pursuit, pedestrians, environmental factors, and weather conditions.

4.2.3 Specifically, the officer should ask the following questions in determining whether to initiate a pursuit.

4.2.3.1 Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?

4.2.3.2 Do the risks posed by allowing the perpetrator to escape exceed the risks created by the pursuit?

4.2.4 The officer should continually consider the risks created by the pursuit, as those risks may change during a pursuit.

4.2.5 The officer's decision to continue a pursuit may be overridden by a supervisor at any time.

5.0 PROCEDURES AND TACTICS FOR AN OFFICER ENGAGING IN PURSUIT:

5.1 Only squad cars equipped with emergency lights and a siren will be used as pursuit or emergency vehicles.

5.2 Squads engaged in a pursuit or responding to an emergency call should be driven in a safe manner and with due regard for the safety of others.

5.3 When engaged in a pursuit or responding to an emergency call, a squad must sound an audible signal by siren or display at least one lighted red light on the front of the squad (Minnesota Statute Sections 169.03, 169.17).

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5.4 Squads engaged in a pursuit or responding to an emergency are permitted to violate certain traffic regulations when necessary, as long as the operator continues to exercise due regard for the safety of others.

5.4.1 Pursuant to Minnesota Statute Section 169.03 and 169.17, squads engaged in a pursuit or responding to an emergency are exempted from certain traffic regulations as follows:

5.4.1.1 Upon approaching a red or stop signal or any stop sign, such squads shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding its siren and/or displaying at least one lighted red light to the front.

5.4.1.2 Such squads may enter against the run of traffic on any one-way street or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported.

5.4.1.3 When at the scene of a reported emergency, such squads may park or stand, notwithstanding any law or ordinance to the contrary.

5.4.1.4 Such squads are exempt from speed limitations.

5.5 The squads involved in a pursuit include the primary unit and the secondary unit. The primary unit should remain closest to the vehicle being pursued. The secondary unit should remain at a safe distance behind the primary unit but it should remain close enough to provide support and communicate with dispatch. Back up units as needed shall operate at a safe distance to provide support.

5.6 No officer should intentionally make vehicle-to-vehicle contact during a pursuit unless such act conforms to the department's policy on use of force (see Policy Number 101-01).

5.7 Roadblocks established during a pursuit must conform to the department's policy on roadblocks (see Policy Number 102-02).

6.0 PRIMARY UNIT/SQUAD/OFFICER'S RESPONSIBILITIES:

6.1 The driver of the primary unit shall notify dispatch of the pursuit and shall provide, at a minimum, the following information to dispatch:

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- 6.1.1** Unit identification (e.g., primary, secondary, backup).
- 6.1.2** Offense for which the suspect is being pursued.
- 6.1.3** Suspect vehicle description, including license number if reasonably possible.
- 6.1.4** Location, direction, and speed of the squad(s) and vehicle(s) being pursued.
- 6.1.5** Description of occupant(s) of the vehicle and if suspect is known to officer.
- 6.1.6** Any other important information about the suspect vehicle or environment (for example: suspect is traveling without lights, officer loses sight of vehicle, etc.)
- 6.1.7** Provide notice when the pursuit has been terminated.

6.2 Based on the information above, the supervisor shall make the decision to either permit the continuation of a pursuit or terminate the pursuit.

6.3 The primary pursuit unit will be responsible for insuring that assistance is provided to people likely injured during the course of a pursuit. The primary pursuit unit may delegate the responsibility to render the assistance to a specific support or backup unit when they are in close proximity. When a support or backup unit is not available, the primary pursuit vehicle will stop and render the assistance.

7.0 SECONDARY UNIT/OFFICER'S RESPONSIBILITIES:

- 7.1** Officers in the secondary squads shall notify the dispatcher by radio of their involvement in the pursuit.
- 7.2** Be prepared to take over as the primary squad if the existing primary squad becomes disabled or is unable to continue the pursuit.
- 7.3** Give the location and status of the pursuit to dispatch when the pursued vehicle is stopped if the primary squad has not done so.
- 7.4** Immediately stop and check for possible injuries and render medical assistance if an accident occurs.
- 7.5** Remove offenders and passengers from the vehicle being pursued when pursuit results in an apprehension and then transport.

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8.0 SUPERVISOR'S RESPONSIBILITIES:

8.1 The supervisor shall have control over the activities of the pursuit.

8.2 **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.

8.3 The supervisor shall request critical information necessary to evaluate the continuation of the pursuit.

8.4 The supervisor has the authority to terminate any pursuit.

8.5 Options the supervisor should keep in mind include, but are not limited to, the following:

8.5.1 In cases involving wrong-way drivers, parallel pursuits may be used.

8.5.2 Notification of the next jurisdiction is encouraged.

8.5.3 Channeling techniques may be used.

8.5.4 Creating a compelling path.

8.6 Post-pursuit chain of command notifications are required in the event of serious injury or death.

9.0 DISPATCH RESPONSIBILITIES: Dispatch shall coordinate critical information, both as timely and accurately as possible and do the following:

9.1 Repeat the initial information and the speed and direction of travel of the vehicular pursuit if the squad calling the pursuit is difficult to understand.

9.2 Keeps the radio channel being used for the pursuit clear of unnecessary traffic.

9.3 Broadcast the pursuit information on channels used by adjacent jurisdictions and again when the pursuits have entered adjacent jurisdictions. However, the pursuit will remain on the channel which initiated the pursuit. Dispatchers will advise squads responding to assist

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from other jurisdictions to notify their dispatcher and switch to the pursuit channel.

9.4 Designate a pursuit supervisor if one has not immediately acknowledged the responsibility.

9.5 Patch radio communication whenever a pursuit enters another jurisdiction.

9.6 Respond to directions from the pursuit supervisor.

9.7 Continue monitoring the pursuit until it has been terminated.

9.8 Transmit a “tone” signal when the pursuit is terminated.

10.0 FACTORS INFLUENCING THE TERMINATION OF A PURSUIT

10.1 The driver of the primary unit and the pursuit supervisor should continually evaluate the risks and likelihood of a successful apprehension of the suspect.

10.2 In determining whether to terminate a pursuit, the primary officer should consider the following factors:

10.2.1 The conditions of the pursuit become too risky for the safe continuation of the pursuit, i.e., it is futile to continue.

10.2.2 A supervisor orders it terminated.

10.2.3 Information is communicated that indicates the pursuit is out of compliance with policy.

10.2.4 Normal communication is broken.

10.2.5 Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.

10.2.6 The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.

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10.2.7 In the interest of public safety, a pursuit may be the safest and most appropriate action.

10.2.8 Risks due to weather, road conditions, and/or pedestrian traffic outweigh the necessity to immediately arrest the suspect.

10.2.9 Prisoners are in the squad car.

11.0 INTERJURISDICTIONAL PURSUIT

11.1 The primary unit, before leaving its jurisdiction, shall update critical information to the dispatcher.

11.2 The primary squad shall remain the primary vehicle in other jurisdictions.

11.3 Upon receiving notification that the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.

11.4 When a pursuit enters this department's jurisdiction:

11.4.1 The dispatcher shall update the critical information to the shift supervisor.

11.4.2 The supervisor shall determine if the pursuit is in conformance with policy.

11.4.3 The supervisor shall provide the appropriate direction to units.

12.0 AIR SUPPORT (IF AVAILABLE): 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.

13.0 CARE AND CONSIDERATION OF VICTIMS

13.1 If during a 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.

13.2 The primary unit will be responsible for ensuring that assistance is provided to people who may have been injured during the course of a

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pursuit. The primary unit may delegate the responsibility to render the assistance to a specific support or backup unit when they are immediately available to render assistance.

14.0 PURSUIT SUMMARY REPORT

14.1 The primary officer and the supervisor shall file a supplementary report.

14.2 To ensure compliance with Minnesota Statute 626.5532, the chief law enforcement officer shall ensure the completion of the state pursuit report form and forward it to the BCA/CJIS within 30 days following the incident.

14.3 The report must contain the following elements:

14.3.1 The reason(s) for, and the circumstances surrounding the incident;

14.3.2 the initial reason for pursuit;

14.3.3 the length of the pursuit: including time started, time ended, and distance;

14.3.4 the outcome of the pursuit;

14.3.5 any injuries or property damage resulting from the incident;

14.3.6 any pending criminal charges against the driver; and

14.3.7 Assisting agencies.

15.0 EVALUATION AND CRITIQUE: After each pursuit, the supervisor and department units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the department's pursuit policy and tactics.

16.0 TRAINING

Every five years, officers are required to complete training in police pursuits and emergency vehicle operations.