

ST. CLOUD POLICE DEPARTMENT
Law Enforcement
Policies and Procedures

Subject: Pursuit Driving Policy	Policy Number: 226
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POLICY

It is the policy of the St. Cloud Police Department to protect lives while enforcing the law and apprehending suspects. In addition, it is the responsibility of the St. Cloud Police Department to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals, the following procedures are provided to guide officers in the performance of their duties while engaged in vehicle pursuits. When engaged in vehicle pursuits the drivers of emergency vehicles are granted exemptions, by state statute, from certain traffic laws. These exemptions are provided to help protect lives, not place them at undue risk.

DEFINITIONS

Authorized Emergency Vehicle: Is a vehicle equipped and identified according to law (Minn. Stat. §169.011, subd. 3) as a publicly owned police vehicle or privately owned vehicle used by a police officer for police work under agreement, expressed or implied, with the local authority which the officer is responsible for; and the emergency equipment is consistent with the applicable state statutes consisting of at least one red light to the front and a siren.

Interjurisdictional Pursuit: Is a pursuit which involves our agency pursuing a motor vehicle outside of the St. Cloud corporate city limits.

Primary Pursuing Unit: The police unit that attempts to stop a law violator or suspect in a vehicle when that violator or suspect initiates a vehicle pursuit, that police unit assumes control of the pursuit.

Pursuit Intervention Technique (PIT): Is a controlled contact between the police unit and the pursued vehicle at low speeds, which is intended to cause the operator of the pursued vehicle to lose control and for the vehicle to become disabled. Low speeds would include those at or under approximately 45 miles per hour unless other factors exist. As PIT speeds increase so does the likelihood of unintended consequences. The decision to use the PIT maneuver at higher speeds must be reserved for those circumstances in which articulable justification exists, including, but not limited to the reason(s) for the pursuit, the location that the PIT is able to be applied, and the likelihood that public safety will be significantly affected if the pursuit is not immediately stopped.

Pursuit: An active attempt by an on-duty law enforcement officer in an authorized emergency vehicle, as defined in Minn. Stat. §169.011, using audio and visual equipment, to apprehend one or more occupants of a moving vehicle, providing the driver of such vehicle is or should be aware of the officer's attempt to stop said vehicle and the driver is fleeing as defined in Minn. Stat. §609.487.

Roadblock: Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of a motor vehicle on the roadway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.

Secondary Pursuing Unit(s): The police unit(s) which trails the primary unit at a safe distance, and which is immediately available to assume the primary role or to assist the primary unit in the event the fleeing

vehicle is stopped and or a PIT is utilized.

Support Units: Other police units participating in the pursuit. These units shall remain alert to all communications concerning the direction and progress of the pursuit and assist as requested. They should maintain a safe distance so as not to interfere with the primary and secondary pursuing units but remain close enough to offer immediate assistance if needed.

Terminate: A pursuit is considered to be terminated when the officer discontinues the use of all emergency equipment and reduces the squad car speed to the posted speed limit and turns off the pursuit route at the next available intersection or conducts a U-turn on the roadway when feasible to do so.

PURSUIT GUIDELINES

Emergency vehicles as defined by statute are authorized to be used in a vehicle pursuit. An officer engaged in a vehicle pursuit shall utilize both audible and visual warning equipment.

Number of Police Vehicles Involved in a Pursuit: No more than three police vehicles will be actively involved in a pursuit unless specifically directed by the on-duty supervisor. The exception to this rule would be if the vehicle being pursued would not or should not involve a Police Intervention Technique (PIT) to safely end the pursuit; then the number of vehicles involved in the pursuit will be no more than two unless specifically directed by the on-duty supervisor. An example of this would be a motor vehicle pursuit involving a motorcycle or a semi-tractor truck.

Roadblock Implementation: The use of a roadblock must be authorized by the on-duty shift supervisor. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted. The roadblock must be clearly visible and provide adequate warning to allow the pursued vehicle to come to a safe stop. The roadway shall not be completely blocked unless the use of deadly force would be authorized.

Shooting at a Vehicle During a Pursuit: Under no circumstances shall an officer shoot at a moving vehicle during a pursuit unless the situation justifies the use of deadly force.

Pursuing with a Civilian Passenger: An officer will not initiate or become involved in a pursuit if a civilian passenger is in the police vehicle. A civilian passenger must exit the police vehicle before the officer can become involved in a pursuit. Any non-sworn person of this department is to be considered a civilian. This rule does not apply to Reserve Officers, Police Chaplains, or Co-Responders.

Ramming of Fleeing Vehicles: A pursuing officer shall not ram or attempt to ram or attempt to force a vehicle from a roadway unless the use of deadly force would be authorized in that situation. Ramming does not include the use or attempted use of a properly applied PIT.

Motorcycles: Motorcycles with passengers will not be pursued for minor traffic violations or other minor crimes.

PROCEDURE

Primary Unit's Responsibility: The decision to continue with a pursuit once a suspect has initiated the pursuit rests primarily with the individual officer involved. Although the law does not prevent the officer from using emergency speeds while engaged in pursuits, it does not preclude the officer from criminal and civil liability for negligent acts.

The pursuing officer must consider the following factors when they are choosing to continue with a pursuit.

- Seriousness of the offense.
- Possibility of apprehension during the pursuit or at a later time.
- Conditions of the street and the amount of vehicular and pedestrian traffic present.
- Weather conditions.
- Availability of assistance.
- Pursuing officer's emergency driving skills including whether or not they have been PIT trained.
- Whether or not the use of a PIT is a viable option to end the pursuit.

At the onset of a pursuit, the officer shall notify the Communications Center of the following information:

- Police unit identification number.
- Current location.
- Speed of pursuit.
- Direction of travel.
- Specific reason(s) for initiating the pursuit.

During the pursuit, the officer shall notify the Communications Center of the following information if known:

- Vehicle description and license number.
- Number and description of occupants.

Additionally, the officer shall continue to report location, direction of travel, and other pertinent information. Failure to provide the above information may be cause for the supervisor to order a termination of the pursuit.

The primary unit may maintain pursuit as long as it is safe to do so or until directed to terminate the pursuit by a supervisor. Pursuing officers and their supervisor must continually question whether the seriousness of the crime justifies continuing the pursuit. The decision to abandon the pursuit may be the most intelligent course of action.

The pursuit shall be terminated under any of the following circumstances.

- If, in the opinion of the pursuing officer or supervisor, there is a clear and unreasonable danger to the officer and other users of the roadway created by the pursuit, which outweighs the necessity for immediate apprehension of the suspect.
- The suspect's identity has been established to the point that later apprehension can be accomplished, invalidating the need for immediate apprehension. However, consideration should be given to the seriousness of the crime for which the suspect is wanted and continued pursuit may be authorized.
- The prevailing traffic, roadway, and environmental conditions indicate the futility of continued pursuit.
- The pursued vehicle's location is no longer known.
- Injury occurs and there is no secondary pursuit vehicle assisting.

When approaching intersections, especially those controlled by signs, signals or other traffic control devices, the pursuing officer shall:

- Reduce speed and prepare to stop.
- Enter the intersection only when safe and at a reduced speed.
- Resume pursuit speed only when safe to do so. When using emergency lights and siren, the officer is requesting the right of way and does not have the absolute right to disregard a sign or other traffic control device.

Should the pursuit leave the roadway, the pursuing officer must carefully consider whether or not the seriousness of the offense outweighs the risk to their personal safety and the potential damage to the police vehicle or private property.

If a suspect abandons the vehicle and proceeds to flee on foot, the pursuing officer shall immediately inform the Communications Center and advise the direction of travel, description of suspect, and other pertinent information.

If the pursuit is terminated either by the officer's own discretion or under the supervisor's directive, the officer shall immediately:

1. Advise Dispatch that they have terminated the pursuit.
2. Reduce speed to the posted speed limit.
3. Turn off emergency lights and siren.
4. Turn off the pursuit route at the next available intersection or conduct a U-turn on the roadway when feasible to do so.

Secondary Unit's Responsibilities. Only the supervisor may authorize more than three units to be in active pursuit of a fleeing vehicle which may eventually require the use of a PIT. In pursuits that would not allow for a PIT the supervisor is the only authorized person to assign more than two active pursuit units. All other support units will remain aware of the direction and progress of the pursuit and be ready to assist.

The secondary unit(s) shall:

- Assist the primary pursuit unit to include proper application of a PIT.
- Take over radio communications upon the primary unit's request or if the primary unit is failing to do so.
- Take over the pursuit as primary unit if the primary unit's vehicle is unable to maintain pursuit.
- Stop, check on, and render aid to third-party vehicles/people involved in accidents resulting from the pursuit.

If more than two assisting officers are needed or requested, the amount will be determined by:

- The nature of the offense.
- The number of suspects.
- Whether or not PIT protocol is a viable option to stop the pursuit.
- Whether or not the pursuing units have more than one officer assigned in the vehicle.

- Other clear or articulated facts which would warrant the increased hazard.

Should an assisting unit have to take over as the primary pursuing unit, the officer shall advise Dispatch of the switch of status. The new primary unit shall re-evaluate all of the primary unit responsibilities in deciding to continue in the pursuit.

Supervisory Responsibilities. Supervisory personnel will monitor, coordinate, and limit the number of vehicles involved in a pursuit as well as the length of the pursuit.

The shift supervisor will be responsible for the following during a pursuit.

- Determine whether or not the pursuit should be terminated or continued.
- Determine whether or not PIT protocol is a viable option to stop the pursuit.
- Determine the number and extent to which additional officers should be involved.
- Determine whether or not other agencies should be notified.
- Determine necessity of roadblocks.
- Coordinate the actions of additional officers involved, if any.
- Constantly be reassessing and re-evaluating the necessity of the pursuit to determine whether or not the pursuit should continue or be terminated.

Communications Center's Responsibilities. Communication Center personnel shall immediately take the following action when notified that an officer is engaged in a pursuit:

- Clear the appropriate radio channel and notify personnel that only emergency transmissions shall be made.
- Immediately thereafter, the radio channel the pursuit is being broadcast on will be patched with an available LTAC channel to be determined by the Communications Center so surrounding agencies will be able to monitor (scan) and receive updates on the pursuit.
- Notify a field supervisor immediately of the pursuit and the circumstances surrounding the pursuit.
- When the pursuit appears to be headed outside of the city limits, the Communications Center shall immediately request assistance from the appropriate law enforcement agency and keep that agency advised of the status and location of the pursuit.

Interjurisdictional Pursuits: Prior to leaving the St. Cloud corporate city limits, the primary unit:

- Shall update that critical information to the Communications Center.
- The primary unit shall remain the primary unit in another jurisdiction(s) unless articulable and exigent circumstances exist, or the officer determines there is a need to turn the pursuit over to another agency.
- Upon termination or completion of the pursuit the involved jurisdictions will be notified.

Aid to Outside Agencies: If a unit from another law enforcement agency is engaged in a pursuit that crosses into the St. Cloud corporate city limits and requests assistance from the department, the Communications Center shall obtain the reason for pursuit, nature of offense, location, direction of travel, and description of the vehicle being pursued. The Communications Center should advise the supervisor of the request for assistance. Permission to join the pursuit will only be granted by the supervisor. If granted permission to join the pursuit, officers will not take over the pursuit as the primary unit from an outside agency unless

articulable and exigent circumstances exist, but officers will provide any necessary and reasonable assistance deemed appropriate and in conjunction with department policy.

Pursuit Intervention Technique (PIT): Use of a pursuit intervention technique shall be employed only after the primary pursuing officer balances the risks of allowing the pursuit to continue with the potential hazards arising from the use of the PIT maneuver to the public, the officers, and persons in the pursued vehicle. With these risks in mind, the decision to use any intervention technique shall be reasonable in light of the circumstances apparent to the officer at the time of the decision. It is imperative that officers act within legal bounds using good judgment and accepted practices. The officer shall consider using the PIT maneuver at the earliest opportunity in a pursuit, knowing the opportunity may be short-lived. The PIT maneuver is not authorized, absent deadly force situations, on vehicles with fewer than four wheels (motorcycles), on vehicles pulling a trailer, straight trucks, or on other unconventional vehicle types, including, but not limited to recreational vehicles, and ATVs.

Only those officers trained in the use of the PIT will be authorized to use this procedure, and only 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.

Investigation of Pursuits. Whenever a police officer is involved in a pursuit, it shall be the responsibility of the supervisor on-duty to submit a report via the chain of command to the Assistant Chief. In the event that a crash or PIT maneuver has occurred, the on-duty supervisor will complete a Minnesota State Accident Report and photograph the scene. The pursuit will be reviewed to determine whether or not departmental procedures were met.

Reporting. Officers involved in vehicle pursuits shall complete the following reports prior to the end of their shift.

- Crime report and narratives.
- Download police unit videos as evidence.
- Use of Force Report for use of force issues that were needed to effect the arrest.
- The Supervisor or their designee should complete a Minnesota State Accident Report in the event of a crash and/or a PIT was utilized.
- In compliance with Minn. Stat. §626.5532, a report will be forwarded to the Commissioner of Public Safety on all pursuits. That report must be filed within 30 days of the pursuit. It will contain the following elements:
 - The reason for and circumstances surrounding the pursuit.
 - The alleged offense.
 - The length of the pursuit in distance and time.
 - The outcome of the pursuit.
 - Any injuries or property damage resulting from the pursuit.
 - The charges against the driver.