

WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: 0003

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SUBJECT: OPERATION OF DEPARTMENT VEHICLES

PURPOSE

The purpose of this directive is to establish reasonable guidelines and procedures for the use and operation of departmental vehicles under normal conditions, as well as emergency situations.

POLICY

For the purpose of this directive, only sworn officers who have received the proper skills training and signed off on review of this directive are allowed to even consider or engage in vehicle operations that involve a pursuit of another vehicle.

All civilian staff and Community Service Officers, regardless of whether or not they have received training, are prohibited from operating a vehicle involved in a police pursuit in any fashion.

It is deemed beneficial for civilian staff and CSOs to be familiar with the restrictions that apply to operations of department vehicles and they shall; therefore, read and sign off on the directive as well.

WARNING: This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standards of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

If no other means of apprehension is likely to be successful, the department expects its officers to attempt to overtake and stop law violators. However, once a pursuit is initiated, seriousness of the offense must continually be balanced against public safety in determining whether or not to continue the pursuit. The department expects its officers to terminate their involvement in pursuits whenever the risks to their own safety, or the safety of others, outweigh the danger to the community if the offenders are not apprehended.

Police pursuits must be considered a very serious matter. When a police officer initiates pursuit of a fleeing vehicle, the officer may have a tendency to consider only self and the occupants of the fleeing vehicle. This is not adequate; other citizens may become involved. For example, citizens using public highways do not expect their travel to be interrupted by a high-speed chase and may become involved in an accident due to over-reaction. Children playing on the side of a street are likely to be drawn toward a patrol vehicle with a siren and red light in operation. A pursuit is one of the most dangerous tasks police officers are asked to perform; death or permanent injury to the police officers or citizens can result without warning. The seriousness of the possible outcome of a pursuit commands a police officer to weigh many factors when deciding whether or not to pursue or to continue a pursuit in the name of the citizens he/she is serving.

- Does the seriousness of the crime warrant a chase at unsafe speeds?
- What is the possibility of apprehension, through pursuit, or by other means?
- Will the pursuit take place on residential streets, business district, or a highway?
- What are the traffic conditions?
- What are the weather and road surface conditions?
- What condition is the patrol vehicle in?
- Is the pursuing officer alone or does the officer have assistance of another officer?
- Do the dangers involved in the pursuit outweigh the danger posed to the public if the violator is not apprehended?
- How do I plan to end the pursuit?

IT IS NOT POSSIBLE TO SATISFACTORILY EXERCISE DISCRETION WITHOUT CONSIDERING QUESTIONS SUCH AS THOSE LISTED ABOVE.

DEFINITIONS

Intentional Vehicle Contact – Any intentional vehicle contact between an officer's patrol car and another vehicle. Intentional vehicle contact means driving or positioning your patrol vehicle so as to intentionally make contact with another vehicle. Intentional vehicle contacts, not likely to result in death or great bodily harm, shall not be considered deadly force under this directive.

PIT Maneuver – A Pursuit Intervention Technique (PIT) maneuver is a specifically designed intentional vehicle contact technique that is to be applied at speeds of approximately 45 mph or less and under certain conditions. A PIT maneuver is designed to terminate a pursuit by causing the fleeing vehicle to go into a controlled spin and come to rest at a predetermined point without injury to the driver, passenger, or others.

Low Speed Vehicle Contact – This is intentional vehicle contact whereby the officer makes contact with a pursued vehicle at a speed under 5 mph for the sole purpose of preventing further forward or backward movement of the pursued vehicle. Acceptable "low-speed vehicle contacts" are striking a front or rear tire or bumper area on the suspect vehicle to "pin" the vehicle into the current position.

Bumping / Ramming – This is intentional vehicle contact when traveling at a speed greater than 10 mph and not performed as a proper PIT maneuver. It shall only be used when deadly force is justified.

Pinning – There is no intentional vehicle contact when pinning. Pinning is performed when the pursued vehicle is no longer moving. The officer simply positions his/her patrol vehicle in a manner to prevent the driver of a stopped pursued vehicle from opening a door and escaping on foot. The officer should only position his/her squad car alongside, or with a bumper placed in close proximity to, the door of a pursued vehicle after it has stopped and only if safe to do so.

Blocking / Boxing-In / Heading Off / Driving Alongside – No intentional vehicle contact shall be made when boxing-in, heading off, or driving alongside a pursued vehicle. None of these maneuvers shall be performed while a pursued vehicle is in motion unless specifically authorized by the on-duty supervisor.

Caravanning – This is the deliberate following of the lead pursuit vehicle by three or more other pursuit vehicles (from any law enforcement agency) during a pursuit. Caravanning is unnecessary and prohibited.

PROCEDURE

Vehicles Utilized in Pursuit

Pursuits should generally be conducted with only fully marked and equipped patrol cars. Officers operating unmarked vehicles, equipped with emergency lights and siren, may engage in a vehicle pursuit only when the fleeing vehicle presents an immediate and direct risk of serious injury or death to others, where a serious crime has taken place, or where a substantial loss of property is involved. As soon as a marked patrol unit becomes available to take over the pursuit, the officer operating the unmarked unit shall withdraw from active pursuit and serve as an assisting unit.

Number and Duties of Units Involved in Pursuit

- A pursuit will normally not involve more than three (3) Willmar Police Department units; the primary unit and two backup units. This is to allow sufficient resources to affect an arrest after the pursuit vehicle is stopped or a Pursuit Intervention Technique (PIT) is utilized.
- Only the on-duty supervisor may authorize more than three (3) participating Willmar Police Department units in a pursuit.
- Units other than the primary and backup units are to remain aware of the direction and progress of the pursuit and may trail at prudent speeds to ensure rapid response once the pursued vehicle is stopped.

- Officers shall not pursue on parallel streets to the pursuit unless specifically authorized to do so by the on-duty supervisor.
- Caravanning of police units is not permitted.
- At no time are all on-duty officers to leave the city. At least one must remain to take calls, unless the pursuit involves a serious felony and the on-duty supervisor authorizes additional involvement, at which time additional officers will be called out to cover the city.

Initial Contact

In order to diminish the likelihood of a pursuit developing, an officer intending to stop a vehicle shall, when practical, be within close proximity to the subject vehicle prior to activation of lights and siren.

Signaling Device Usage

When engaged in a pursuit, officers shall have their emergency lights and siren in operation at all times.

Primary Pursuit Unit Responsibilities

- Ensure that emergency lights and siren are in operation.
- Immediately notify the Dispatch Center that a pursuit is underway and provide the following information:
 - Officer identification.
 - Location of travel.
 - As complete a vehicle description as possible, including license number and the number and description of occupants in the vehicle.
 - Request 10-33 (emergency) status and Dispatch will patch the main channel to the first available LTAC channel to utilize any possible police assistance available in the area. However, when officers leave the coverage area of their local radio system, they will lose communications with other units on the patched LTAC channel. Therefore, officers involved in pursuits must switch to the assigned LTAC channel as soon as it is safe to do so.
 - Speed of pursued vehicle.
- Continuously re-evaluate the hazards of the pursuit situation. The primary pursuit officer has the prerogative to terminate a pursuit at any time if in his/her judgment,

the risks outweigh the seriousness of the offense, or if lives are being unduly threatened by the pursuit. Continuous balancing of seriousness versus public safety is mandatory.

- The primary pursuit unit is responsible for ensuring that assistance is provided to people likely injured during the course of the pursuit. The primary unit shall immediately notify the Dispatch Center of a possible injury to have the appropriate emergency units respond. The primary pursuit unit may delegate the responsibility to render the assistance to the backup unit or to another unit when they are in close proximity. When no other unit is available, the primary pursuit unit will stop and render the assistance.

Dispatcher Responsibilities

- On the appropriate frequencies immediately announce to all units that a pursuit is in progress and to hold all traffic unless it is emergency in nature.
- Notify the on-duty supervisor of the pursuit, which officer or officers are involved, and the current status of the pursuit. Continually update the supervisor.
- Receive and record all incoming information on the pursuit and the pursued vehicle.
- Control all radio communications during the pursuit, ensuring that all units involved or in the area are kept up-to-date on all relevant information.
- Coordinate assistance for the pursuit with all units and agencies involved.
- Perform all relevant record and motor vehicle checks as expeditiously as possible.
- Continue to monitor the pursuit until it has been terminated, then advise all units of the termination and that traffic can resume as normal.

Backup Unit Responsibility

- Upon joining the pursuit, shall immediately notify the Dispatch Center of that fact. If practical, shall assist the primary unit with radio communications.
- Maintain a safe distance from the primary unit, but be close enough to render assistance.
- Should the primary unit become disabled, the backup unit shall become the primary unit and another unit, if available, shall become the backup unit.
- Shall be responsible for providing assistance to people likely injured during the course of the pursuit when delegated to do so by the primary unit.

- Shall recommend to the on-duty supervisor the termination of the pursuit if, from their vantage point, the pursuit has become unsafe or gotten out of control.

Supervisory Responsibility

- Upon being notified of the pursuit, the supervisor shall verify the following:
 - No more than the required number of units are involved in the pursuit.
 - Proper radio frequency is being utilized.
 - Affected inter-jurisdictional agencies are notified.
- Shall continuously monitor the pursuit activities, assign units to be involved, and direct any tactics to be used.
- The on-duty supervisor has the authority to order termination of a pursuit at any time. The supervisor should give strong and continuing consideration to termination at any time he/she determines that undue hazards exist, or that any further pursuit would not be in the best interest of the safety of those involved.

Termination of Pursuits

- A pursuit shall be terminated under any of the following conditions:
 - Supervisor orders the pursuit terminated.
 - The offense is a misdemeanor or a non-violent felony and the violator can be positively identified and circumstances of the violation can be sufficiently documented to secure an arrest warrant.
 - When the officer loses visual contact with the violator for an extended period of time, or the distance between the officer and the violator is such that further pursuit is futile.
 - When there is an equipment failure involving a communication or emergency signaling device.
 - If there is a person injured during the course of a pursuit and there is no one else who is able to render assistance.
 - When there is a clear and unreasonable danger to the officer, the suspect, or any other person, that outweighs the danger to the community if the offender is not apprehended.
- The primary pursuing officer should also give strong and continuing consideration to terminating the pursuit under the following conditions:

- When hazards exist to the extent that the dangers outweigh the necessity for the immediate apprehension of the violator.
- When the violator operates his/her vehicle in such a manner, such as driving the wrong way on a multi-lane divided roadway, that conditions dictate further pursuit would grossly endanger lives.
- When the officer knows, or has reason to believe, the fleeing vehicle is being operated by a juvenile who has committed a misdemeanor or non-violent felony, and is driving in such an unsafe manner that it is obvious he/she does not have the maturity to deal with the dangers involved.

Passengers in Pursuing Vehicles

Officers shall not enter into pursuit situations with non-department or non-police personnel in their squads.

Pursuit Tactics

By law, officers are authorized to use only the minimum amount of force necessary to accomplish or affect an arrest. They shall exhaust all reasonable means of apprehension before resorting to more serious uses of force, up to and including deadly force. All tactics used will adhere to the Willmar Police Department's Use of Force Policy.

- **Pursuit Intervention Technique (PIT) – Only officers who have received formal training in the Pursuit Intervention Technique may use this technique.**
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 Pursuit Intervention Technique (PIT). 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 when it can successfully shorten the pursuit and reduce risk to the public.
 1. Before PIT deployment, an officer should rely on his/her training and take into consideration the location as to where the suspect vehicle may come to rest after the tactic is employed, in relationship to obstructions on or alongside the roadway, other traffic, and pedestrians.
 2. When considering the utilization of a Pursuit Intervention Technique (PIT), speeds should be approximately 45 mph or less.
- **Bumping/Ramming** – Other than in the Pursuit Intervention Technique (PIT), the deliberate striking or forcing of a pursued vehicle off the roadway with a police vehicle must be considered as use of deadly force; therefore, this tactic is only justified by the officer when necessary:

- To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - i. can be articulated with specificity by the law enforcement officer;
 - ii. is reasonably likely to occur absent action by the law enforcement officer; and
 - iii. must be addressed through the use of deadly force without unreasonable delay; or
- To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony, and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria listed above, items (i) to (iii), unless immediately apprehended.
- Roadblocks – Roadblocks utilized as total roadway barricades are considered deadly force and are subject to use only under the same conditions as ramming. When utilized, roadblocks are to be set up according to the following restrictions:
 - Roadblocks may only be set up under the authorization of the on-duty supervisor.
 - No roadblock will be established in a dark or blind area, i.e., over the crest of a hill or on a blind curve.
 - Well-lighted areas will be used whenever possible. All emergency visual aid equipment will be activated to include red lights, headlights, spotlights and siren; however, lights should not be aimed in such a manner as to block vision or visibility of oncoming traffic.
 - The Dispatch Center must be notified immediately of the location and type of roadblock being utilized.
 - As soon as the dispatcher is notified of a roadblock, he/she shall immediately notify all units involved in the pursuit of the location and type of roadblock.
 - When the roadblock is complete, all officers must remain far enough back from the block so as to prevent any injury should the fleeing vehicle attempt to run through or otherwise circumvent the roadblock. The officers will use portable radios so as to remain in communication with the pursuit.
- Blocking – Boxing in, heading off, or driving alongside a pursued vehicle, while it is in motion, shall be prohibited unless such actions are specifically authorized by the on-duty supervisor. Blocking is authorized to take away exit lanes from a pursued vehicle that has terminated motion, if the officer believes the vehicle will again attempt to flee.

- Use of Firearms – Shooting at or from a moving vehicle is prohibited unless the situation justifies the use of deadly force and the departmental policy on use of deadly force is adhered to.
- Stop Sticks – Whenever practical, officers should make use of the Stop Sticks. The purpose is to affect the safe, controlled, and timely conclusion to a pursuit, which officers of the department initiate, or which they become involved in at the request of another jurisdiction. Stop Sticks are considered a desirable alternative to roadblocks and are not considered to be deadly force.
 - When used, Stop Sticks shall be used with either one, or when possible, two squad cars. These cars shall direct or funnel the target vehicle into a clearly visible avenue of escape. The Stop Sticks should be deployed across that avenue of escape using one of two methods.

Deployment Method #1 – If time does not allow for connection of the three (3) Stop Sticks, simply lay the three (3) sticks end-to-end across the avenue of escape as the target vehicle approaches.

Deployment Method #2 – When time allows, connect the three (3) Stop Sticks end-to-end across the avenue of escape, creating one (1) nine-foot unit of Stop Sticks. This unit can be tied to the supplied cord reel and line and pulled across the avenue of escape after uninvolved vehicles pass, and prior to the target vehicle's arrival.

DO NOT WRAP THE CORD REEL LINE AROUND ANY PART OF YOUR BODY AT ANY TIME.

OFFICERS USING THE STOP STICKS SHALL ALLOW PLENTY OF TIME TO GET CLEAR OF THEIR SQUAD CARS AND A SAFE DISTANCE FROM THEM PRIOR TO THE ARRIVAL OF THE TARGET VEHICLE.

- Stop Sticks will be used only on four-wheeled (or more) vehicles on paved surfaces (asphalt or concrete) and speed over ten (10) mph.
- Squad cars will necessarily have to slow and avoid the Stop Sticks after the target vehicle drives over them.
- The primary unit and/or the on-duty supervisor should notify dispatch and other units involved of the Stop Sticks and their location.

INTRA- AND INTER- JURISDICTIONAL PURSUITS

Notification from another jurisdiction of a pursuit in progress shall not be construed as a request to join in another jurisdiction's pursuit unless specifically authorized by the on-duty supervisor. If a pursuit from this jurisdiction enters a neighboring jurisdiction, the dispatcher will notify the supervisor or dispatcher of the neighboring jurisdiction of the

pursuit and that the call is either a request for assistance or a courtesy notification with no participation desired.

AIR SUPPORT

If air support is available, it can be used to monitor the pursued vehicle in a pursuit. The on-duty supervisor will coordinate with air support and determine if Willmar Police Department units will take a backup role or remain primary pursuit units. This decision will be based on any information obtained that may endanger officers in close proximity of the pursued vehicle.

TRAINING

- The department shall establish a regular and effective in-service training program dealing with emergency vehicle operation.
- Officers should be brought up-to-date on changes in departmental policy on emergency vehicle operation, or on any changes in laws governing pursuit, through an in-service training program.
- Training in the use of the Stop Sticks shall consist of each officer viewing the video supplied by the manufacturer and practicing the deployment methods outlined above.
- In addition to the initial review, sworn officers are required to review this directive at the same time they are scheduled to attend their driving skills training as currently mandated by the Minnesota POST Board.

DOCUMENTATION

- Reporting – A Minnesota Pursuit Report form is required for all pursuits. This form is to be filled out by the officer who initiated the pursuit. The form must be filled out in its entirety, with all pertinent information included. Only one form is required for each pursuit.

After each pursuit, the on-duty supervisor shall meet with and debrief the officers involved in the pursuit. The debriefing shall include a critique of the incident. The supervisor shall document (in writing) the results of this critique and make recommendations to the Chief of Police on any methods to improve how the department conducts pursuits.

The on-duty supervisor will ensure copies of all documents relating to the vehicle pursuit are left on the Captain's desk. This includes the officer's reports, the supervisor's critique, and the Minnesota Pursuit Report form.

To ensure compliance with Minnesota Statute, a copy of the Minnesota Pursuit Report form shall be forwarded to the Chief of Police, or his/her designee, who shall forward it to the Commissioner of Public Safety within thirty (30) days following the incident.

The written report must contain at a minimum, the following elements:

- The reason(s) for and the circumstances surrounding the incident.
 - The alleged offense.
 - The length of the pursuit, including time and distance.
 - The outcome of the pursuit.
 - Any injuries or property damage resulting from the incident.
 - Any pending criminal charges against the driver.
 - Road conditions.
 - Pedestrian and motor vehicle traffic in the area.
- Evaluation – On an annual basis, a committee composed of the Police Captain, a Patrol Sergeant, and a Patrol Officer, shall evaluate all pursuit incidents for the preceding year. The committee shall submit any recommendations to the Chief of Police for consideration.

MINNESOTA STATE STATUTES

Emergency Vehicles: Application – MN Statute 169.03

Subd. 2. The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to an emergency call shall sound its siren or display at least one lighted red light to the front.

Subd. 3. The driver of any authorized emergency vehicle, when responding to any emergency call, 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; and the provisions of this section shall not affect any cause of action arising prior to its passage.

Subd. 4. An authorized emergency vehicle, when at the scene of a reported emergency, may park or stand, notwithstanding any law or ordinance to the contrary.

Subd. 5. No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.

Emergency Vehicles – MN Statute 169.17

The speed limitations set forth in sections 169.14 to 169.17 do not apply to authorized emergency vehicles when responding to emergency calls, but the driver thereof shall sound audible signal by siren and display at least one lighted red light to the front. This provision does not relieve 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 consequence of a reckless disregard of the safety of others.

Fleeing a Peace Officer in a Motor Vehicle – MN Statute 609.487

Subd. 1. Flee; definition. For purposes of this section, the term “flee” means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or to use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

Subd. 3. Fleeing an officer. Whoever by means of a motor vehicle flees or attempts to flee a peace officer who is acting in a lawful discharge of an official duty, and the perpetrator knows, or should reasonably know, the same to be a peace officer, is guilty of a felony and may be sentenced to imprisonment of not more than three (3) years or to payment of a fine of not more than \$5,000 or both.

Use of Force – MN Statutes 609.06 and 609.066

All officers shall adhere to the department policy dealing with the use of force and with the Minnesota Statutes listed above regarding the authorized use of force.

Pursuit of Fleeing Subjects by Peace Officers – MN Statute 626.5532

Subd. 1. Reports. If a peace officer pursues a fleeing suspect, the officer’s department head must file a notice of the incident with the Commissioner of Public Safety within thirty (30) days following the pursuit. A pursuit must be reported under this section if it is a pursuit by a peace officer of a motor vehicle being operated in violation of section 609.487. The notice must contain information concerning the reason for and circumstances surrounding the pursuit, including the alleged offense, the length of the pursuit in distance and time, the outcome of the pursuit, any charges filed against the suspect as a result of the pursuit, injuries and property damage resulting from the pursuit, and other information deemed relevant by the Commissioner.

Lighting Exemptions: Law Enforcement Vehicle: Standards – MN Statute 169.541

Minnesota Statute 169.541 allows a police officer, during the performance of his/her duties, to operate a vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision, without headlights, taillights, or marine navigational lighting, if the peace officer reasonably believes that operation of the vehicle without lights is necessary under the circumstances to investigate a criminal violation. For the purpose of this policy, the following definitions apply: Vehicle: a motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision. Lights: refers to headlights, taillights and navigational lighting as referenced in Minnesota Statutes 84.87, 84.928, 169.48 to 169.65 and 86B.511.

A Willmar police officer may not operate a vehicle without lights under the following circumstances:

1. On an interstate highway.
2. At speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
3. Faster than the posted speed limit.
4. In a situation where the police officer is an active participant in the pursuit of a motor vehicle in violation of Minnesota Statute 609.487.
5. Contrary to the elements of Minnesota State Statute 169.541.

ACCOUNTABILITY

It is the responsibility of each employee to be familiar with and adhere to this directive. It is the responsibility of all supervisors to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James E. Felt

MJJ/sae