



PURSUIT AND EMERGENCY VEHICLE OPERATION POLICY

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Definitions

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

Termination of a Pursuit: A pursuit must terminate when the pursuing officer(s) turn off the emergency equipment, resume routine vehicle operation, and informs dispatch, or when the suspect vehicle stops.

Divided Highway: Any highway that is separated into two or more roadways by:

1. a physical barrier, or
2. a clearly indicated dividing section constructed so 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. 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.

Policy Statement/Objective

The purpose of this policy is to provide guidance for the operation of Bureau vehicles during emergency vehicle operations and pursuits.

It is the policy of the Commerce Fraud Bureau (CFB) to protect lives while enforcing the law and to guide its Agents in the safe and reasonable performance of their duties and to follow the requirements set forth in Minn. Rules 6700.2701. To accomplish these goals, the following policy is provided to control and regulate emergency vehicle operations. When engaged in emergency vehicle operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions from certain traffic laws by Minnesota Statutes. These exemptions are provided to help protect lives, not to place them at undue risk.

Scope

This policy applies to all CFB personnel.

Procedures

Pursuit Considerations

1. Pursuit is justified when:

- a. an agent reasonably believes or witnesses a situation in which there is a clear and imminent threat to public safety, and the use of deadly force is justified. The sole fact that a vehicle is fleeing does not constitute a threat to public safety. In all other instances, pursuits are prohibited.
2. Other factors to be considered:
 - a. the initial decision to engage in a pursuit must rest primarily with the agent who has initiated the vehicular stop, after considering the elements of this policy. These elements 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).
 - b. the agent must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
 - c. Agents and Supervisory Special Agents (SSA) have a responsibility to closely monitor the progress of each pursuit. The need for apprehension must be constantly weighed against the potential danger created by the pursuit. Terminating a pursuit must be considered a decision made in the interest of public safety.
 - d. the agent's decision to continue a pursuit may be overridden by a supervisor or the director at any time.
 3. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit must include the following considerations:
 - a. is the need to immediately apprehend the suspect more important than the risk created by the pursuit.
 - b. do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape.

Procedures and Tactics for an Agent Engaging in a Pursuit

1. Emergency vehicles must be driven in a safe manner and with due regard for public safety.
2. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.
3. The pursuing vehicle must be known as the primary unit, which will be the unit closest to the fleeing vehicle and the secondary unit, which must remain at a safe distance behind the primary unit but close enough to provide support and communicate with dispatch. Backup units as needed must operate at a safe distance to provide support.

Responsibilities of the Primary Unit

1. The Agent driving the primary unit must notify dispatch of the pursuit and must provide the following critical information to dispatch:
 - a. Fraud Bureau unit identification.

- b. Offense for which the suspect is being pursued.
 - c. Suspect vehicle description including license number if reasonably possible.
 - d. Location, direction and speed of both vehicles.
 - e. Description of occupant(s) and if suspect is known to the agent.
 - f. Any other important information about the suspect vehicle or environment (for example, the suspect is traveling without lights, or the agent has lost sight of the vehicle).
2. As soon as practicable, the primary unit must notify the on scene Supervisory Special Agent (SSA) or Director of the pursuit. Based on the known information, the on scene SSA or Director must make the decision to either continue or terminate the pursuit.
 3. The use of roadblocks, rolling roadblocks, or the high-speed boxing in of the vehicle being pursued is not permitted. No Agent will intentionally make vehicle-to-vehicle contact unless the use of deadly force is authorized.
 4. Only Bureau vehicles equipped with emergency lights and siren can be used as pursuit vehicles.
 5. As soon as it is practical, the Agent driving the primary unit must relinquish their role and control of the pursuit to an assisting law enforcement agency that is operating a marked emergency vehicle. Once there are a sufficient number of marked emergency vehicles involved in the pursuit, agents are required to discontinue the active pursuit of the suspect. A total of three marked emergency vehicles is generally considered to be a sufficient number of emergency vehicles in most pursuit situations.
 6. "Caravanning" (a group of emergency vehicles traveling together usually in a file) of unassigned units following the progress of a pursuit is prohibited.

Supervisor Responsibilities

1. The 'on-scene' or operations Supervisory Special Agent must have responsibility over the pursuit.
2. The SSA should notify the director as soon practicable.
3. The pursuing agent, SSA, or the director may terminate the pursuit at any time for any reason.
4. Options to keep in mind and/or be aware of during a pursuit (considered by other agencies) include, but are not limited to:
 - a. parallel pursuits.
 - b. channeling techniques.
 - c. creating a compelling path
5. SSA's must notify the director once the pursuit is terminated or completed with the outcome(s).

Factors Influencing the Termination of a Pursuit

The agent driving the primary unit and the responsible SSA must continually evaluate the risks and likelihood of a successful apprehension of the suspect while engaging in the pursuit. Agents may engage in pursuits and other emergency driving situations only if the seriousness of the emergency outweighs the danger created by such driving. The Agent and SSA must consider terminating the pursuit under the following conditions which include but are not limited to:

1. The conditions of the pursuit become too risky for its safe continuation.
2. The director orders the pursuit to be terminated.
3. Information is communicated that indicates the pursuit is out of compliance with policy.
4. Communication is broken.
5. Visual contact is lost for a reasonable period of time, or the direction of travel cannot be determined.
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.
7. Agent and/or SSA discretion is used to terminate the pursuit.

Interjurisdictional Pursuit

It will be considered best practice, when and able, to relinquish primary pursuit vehicle status to a marked vehicle from that jurisdiction.

Air Support

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

Care and Consideration of Victims

1. If during a pursuit an Agent observes or is made aware of an injury to an individual, the Agent must immediately notify the dispatcher to have the appropriate emergency units respond.
2. The primary pursuit unit will be responsible for ensuring 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 the assistance to a backup unit.

Pursuit Summary Report

1. The primary Agent and responsible SSA must complete a narrative report outlining their actions taken in connection with the pursuit.
2. To ensure compliance with Minnesota Statutes § 626.5532, the primary agent is required to complete the Minnesota Pursuit Report which is available on the Minnesota Department of

Public Safety's web site. The Director must ensure that the form is completed and forwarded to the Commissioner of Public Safety within 30 days following the incident.

3. As required in Minn. Stat. § 626.5532, the report must contain the following elements:
 - a. the reason(s) for, and the circumstances surrounding the incident.
 - b. the alleged offense.
 - c. the length of the pursuit including time and distance.
 - d. the outcome of the pursuit.
 - e. any injuries or property damage resulting from the incident; and
 - f. any pending criminal charges against the driver.

Evaluation and Critique

After each pursuit the Agent(s) and the SSA involved in the pursuit will evaluate the pursuit and make recommendations to the Director concerning ways to improve the Bureau's pursuit policy and tactics.

Forms

Minnesota Pursuit Report