

MINNEAPOLIS PARK POLICE

DEPARTMENT

BY ORDER OF THE CHIEF OF POLICE

SPECIAL ORDER 2019-09



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TO: All Park Police Personnel			RETENTION DATE: Until Rescinded
SUBJECT: Vehicle Operation – REVISED (Replaces SO 19-06)			APPROVED BY: Chief J. Ohotto

MP-8806

7-401 NORMAL AND EMERGENCY VEHICLE OPERATION

(A-D)

A. Vehicle Condition

1. Vehicles shall not be driven when they are in unsafe mechanical condition.
2. Officers shall inspect their assigned vehicle before each tour of duty and immediately report any damage or mechanical failure to their supervisor.

B. Normal Operation

1. Under normal conditions, personnel will operate police vehicles in the same manner as required for the public.
2. Violations of motor vehicle laws when not authorized, or careless and abusive use of police vehicular equipment may result in disciplinary action.

C. Operating Without Lights

This section regarding operating without lights applies to headlights and taillights, and does not apply to emergency lighting, which is addressed separately in this policy.

1. MN Statute 169.541 exempts peace officers from statutes relating to the lighting of vehicles and watercraft when all of the following conditions apply:
 - while operating a motor vehicle or watercraft owned, leased, or otherwise the property of the state or a political subdivision;
 - in the performance of the officer's law enforcement duties if the officer's conduct is reasonable and is consistent with the standards adopted by the Minnesota POST Board; and if

- the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws, rules, or orders or local laws, ordinances or regulations
2. In accordance with the Minnesota Post Board standards, a peace officer may not operate without lights:
- on interstate highways;
 - at speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions;
 - faster than the posted speed limit;
 - in situations where the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN Statute section 609.487 (Fleeing a Peace Officer in a Motor Vehicle);
 - contrary to the elements listed in MN Statute section 169.541 (explained in the preceding paragraph);
 - contrary to any written policies or procedures established by the Chief Law Enforcement Officer of the agency that employs the peace officer.

D. Emergency Driving

1. Emergency driving occurs whenever an officer intentionally drives in excess of the speed limit or in violation of any traffic control device or other traffic law.
2. Emergency driving is authorized only, in accordance with MN Statute section 169.03 Subd. 5, "when in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law."
3. Only police vehicles with department authorized lights and sirens are authorized for emergency driving.
4. Officers shall use department authorized red lights and sirens continuously during any emergency driving.
 - a. Some incidents may necessitate an unannounced approach. If a responding officer determines the incident warrants an unannounced approach, the officer may deactivate or avoid use of the emergency lights or sirens when nearing the location, when reasonable given the environment and circumstances. The officer shall sound the siren and display at least one department authorized lighted red light to the front if exceeding the speed limits or proceeding past a red or stop signal or stop sign.
5. Officers performing emergency driving shall exercise caution and due consideration for the safety of the public.

- a. The use of the red lights and siren does not exempt officers from the need for caution nor does it exempt them from criminal or civil liability.
- b. Officers driving low profile, unmarked, or other MPPD vehicles should be particularly aware of the less visible nature of the emergency equipment in/on the vehicle and should use extra caution.
- c. Officers are prohibited from going around the light rail crossing arms when they are down at an intersection.

E. Emergency Escorts or Transportation by Police Vehicles

- 1. Officers will not provide emergency escorts for private vehicles except under extreme or exigent circumstances.
- 2. Officers may provide emergency escort for other emergency vehicles equipped with red lights and sirens, when requested to do so.
- 3. Employees shall not transport persons in police vehicles except for a proper police purpose or on official department business.
- 4. Police vehicles should not be used to transport persons in need of physical medical attention except when ambulances are not available. Persons in need of medical attention shall normally be transported by ambulance and/or other medical equipment.

7-402 PURSUIT POLICY

(A-D)

I. PURPOSE

This policy is intended to establish expectations of MPPD sworn employees who, during the course of their duties, become involved in a vehicular pursuit.

II. DEFINITIONS

Air Support: For the purpose of this policy, it shall mean a Minnesota State Patrol Helicopter.

Discontinued: Discontinuation is a condition affecting individual participation in a pursuit and not the safety of the overall pursuit. This may be due to stopping at a light rail crossing, an equipment malfunction or another similar reason, and may be a temporary pause. Individual participation in a pursuit is discontinued when the participating squad has discontinued the use of sirens, slowed to the posted speed limit or stopped, and when feasible discontinued the use of emergency lights.

End of Pursuit: A pursuit is ended when all participating squads have terminated or discontinued their participation or after the suspect was apprehended.

Great Bodily Harm: Bodily injury, which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of any bodily member or organ or other serious bodily harm.

Offender: The operator of a vehicle being pursued who has been signaled to stop.

Police Vehicles:

1. **Fully Marked Squad Car:** Any vehicle used by the MPPD that has clearly identifying police markings, emergency lights visible from front, sides and rear, siren, and a manufacturer's rating to make it suitable for pursuits. Currently, the Ford Police Interceptor SUV and the Ford Police Interceptor Sedan are the only vehicles in the MPPD Fleet with such a rating.
2. **Low Profile Squad Car:** Any vehicle used by the MPPD that has a permanent or temporary MPD door marking, emergency lights visible from front, sides and rear, siren, and a manufacturer's rating to make it suitable for pursuits.
3. **Unmarked Squad Car:** Any vehicle used by the MPPD not clearly identified with a shield, logo or department name that has emergency lights visible from the front, sides and rear, and a manufacturer's rating to make it suitable for pursuits.

Primary Squad: The squad car that initiates the vehicular pursuit, or any squad that assumes control of the pursuit.

Pursuit Rated Vehicle: Some police vehicles are designated by the manufacturer as "pursuit rated." This rating indicates the manufacturer certifies the vehicle to be generally suitable for high-speed police pursuits. Not all police vehicles are considered "pursuit rated" and those without the rating shall not be used during a pursuit, in accordance with this policy. The City of Minneapolis Fleet Services unit maintains a list of pursuit rated vehicles.

Pursuit Supervisor: The Park Police supervisor who monitors and manages the pursuit.

Secondary Squads: Police squad cars that provide direct support to the primary squad and follow the primary squad at a safe distance.

Terminated: A pursuit is terminated when all participating squads turn off sirens, stop the squad cars completely or slow to the posted speed limit and turn off the pursuit route at the next available intersection, and when feasible, turn off emergency lights, without or prior to the apprehension of the offender.

Vehicular Pursuit: A vehicular pursuit is a multi-stage process in which a peace officer initiates a vehicular stop and a driver resists the signal or order to stop by increasing speed, taking evasive action, extinguishing motor vehicle headlights or taillights, refusing to stop the vehicle or using

other means with intent to attempt to elude the peace officer. 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.

III. POLICY

- A.** Officers shall not initiate a pursuit or shall terminate a pursuit in progress if the pursuit poses an unreasonable risk to the officers, the public or passengers of the vehicle being pursued who may be unwilling participants.
 - 1. Officers shall always be aware of the inherent danger to the public and to themselves in vehicle pursuits or emergency responses.
 - 2. Officers shall continuously weigh the necessity for apprehension against the risk created for the officers and the general public. Officers shall consider factors such as weather, vehicle and pedestrian traffic, as well as any other factors that could contribute to an unreasonable risk to safety.
- B.** All officers involved in a pursuit must decide whether or not to participate, discontinue or terminate their individual involvement, or if appropriate, to transfer their responsibility to another squad. Officers shall immediately take and acknowledge direction from the assigned pursuit supervisor.
- C.** All MPPD supervisors at the rank of Lieutenant or higher have the authority to intervene in a pursuit if they feel the pursuit should be terminated but cannot overrule a supervisor of higher rank.
 - 1. Supervisors terminating any pursuit shall complete a statement in the pursuit report that documents their basis for terminating the pursuit.
 - 2. This section is in addition to the responsibilities and authority assigned to the pursuit supervisor.
 - 3. All sworn employees have a duty to inform the pursuit supervisor if they know of specific hazards that appear to be in the pursuit path. Examples include, but are not limited to, Open Streets events, block parties, etc.
- D.** Officers are strongly discouraged from immediately approaching a stopped vehicle at the conclusion of a pursuit or other high-risk stop. Where reasonably possible, officers shall use felony stop tactical procedures.
- E.** Vehicle pursuits are limited to the primary marked squad and no more than two secondary marked squads unless otherwise authorized by the pursuit supervisor over the radio. Additional squads beyond the primary and two secondary squads shall not engage or

attempt to engage in a pursuit unless specifically authorized by the pursuit supervisor over the radio.

1. Supporting or responding officers (such as those attempting to strategically place themselves at the place of pursuit conclusion or those securing or maintaining a perimeter) shall use speeds and driving that do not present a danger to the public or to other officers.

IV. PROCEDURES/REGULATIONS

A. Initiating, Continuing, or Terminating a Pursuit

1. Fully marked, low profile and unmarked squads can initiate a pursuit, provided the squad is equipped with department authorized emergency lights and a siren and is rated for pursuit by the manufacturer.
 - a. Low profile and unmarked squads shall discontinue their involvement once a fully marked squad is involved.
 - b. Other police vehicles shall not be used in pursuits.
2. Officers shall not engage in pursuits outside the corporate city limits of Minneapolis, unless authorized by an on-duty Park Police supervisor. Officers shall request permission to leave the city via radio, and the Park Police pursuit supervisor shall verbally acknowledge authorization (if given).
3. Officers shall not initiate a pursuit unless:
 - The officer knows or has reasonable grounds to believe the suspect has committed a serious and violent felony or gross misdemeanor; *or*
 - The officer has current, credible information that the individual is about to commit a serious and violent felony or gross misdemeanor; *or*
 - The suspect's driving prior to the attempted stop is so flagrantly reckless that the driver would pose an imminent and life-threatening danger to the public if not apprehended.
 - a. Serious and violent felonies and gross misdemeanors under this section are limited to:
 - The attempt or act of murder
 - Serious or violent sex crimes
 - Robbery
 - Arson
 - Kidnapping

- Car jacking (not to include auto theft or stolen motor vehicle, which are property crimes)
 - 1st and 2nd degree assault
 - 1st degree burglary
 - Terrorist acts
- b. Examples of such flagrantly reckless driving that is life-threatening to the public include, but are not limited to:
- Collisions with other vehicles or objects
 - Forcing other vehicles to take evasive action to avoid collision
 - Failure to stop at controlled intersections without slowing
- c. If continuation of a pursuit for flagrantly reckless driving increases the danger to the public, officers shall terminate the pursuit.
- d. A pursuit shall not be initiated or shall be terminated if the driver is refusing to or failing to stop and the only known reason for the attempted stop is a petty misdemeanor or misdemeanor.
- e. Officers shall not initiate a pursuit or shall terminate a pursuit in progress when the offender's identity is established (so that an apprehension can be made at another time), unless the offense is one of the following crimes:
- Sexual assault involving the use or threatened use of a dangerous weapon.
 - Homicide
 - 1st and 2nd degree assault
 - Aggravated robbery
 - Kidnapping
- i. These conditions do not include holds or warrants to appear for probation revocation, or violations of conditional release, unless delayed apprehension would create a substantial or known risk of injury or death to another.
4. During a pursuit, officers shall not drive their vehicle the wrong way on freeways. They may, however, go down the wrong way of a freeway ramp to make a traffic stop on a vehicle going the wrong way to prevent it from entering the main portion of the freeway.
5. Officers may not pursue the wrong direction on one-way streets without due consideration for existing conditions as listed in this policy.
6. Non-MPPD employees in squad

- a. When any individual is in the squad who is not an MPPD employee and is not pre-approved to be in the squad:
 - i. Officers shall not engage in a pursuit under any circumstance.
 - ii. Examples include prisoners, or any person being transported in relation to a call for service or for any other reason, etc.
 - b. When any pre-approved individual is in the squad who is not an MPPD employee (this includes ride-alongs who are not MPPD employees), officers may only initiate a pursuit under the following conditions:
 - Sexual assault involving the use or threatened use of a dangerous weapon.
 - Homicide
 - 1st and 2nd degree assault
 - Aggravated robbery
 - Kidnapping
 - i. These conditions do not include holds or warrants to appear for probation revocation, or violations of conditional release, unless delayed apprehension would reasonably create a substantial or known risk of injury or death to another.
 - ii. The officers shall discontinue their participation in the pursuit as soon as another squad is able to take over as the primary pursuit vehicle.
 - c. When any pre-approved individual is in the squad who is not an MPD employee (this includes ride-alongs who are not MPPD employees), officers shall not participate as a secondary pursuit vehicle.
7. Officers shall not initiate a previously terminated pursuit within 20 minutes of the termination, unless there are exigent circumstances.
 8. Officers shall terminate a pursuit in progress whenever the distance between the primary pursuit squad and the offender is so great that further pursuit is futile, or when the primary pursuit marked squad loses visual contact of the offender for a significant period of time (approximately 10-15 seconds).
 9. Discontinuing Participation
 - a. Squads shall discontinue their individual participation in the pursuit when:
 - i. An accident results from the pursuit and immediate medical assistance is needed or the pursuit supervisor has designated the squad to stop and check for injuries. The squad(s) shall acknowledge via radio.

- ii. The squad has a malfunction of police emergency equipment or radio communication.
- b. If the primary squad discontinues their participation under this section and there are no secondary squads involved, the pursuit is terminated.

B. Vehicular Pursuit Procedures

All department employees involved in a vehicular pursuit shall follow the procedures listed in this section.

1. All Participating Pursuit Vehicles

- a. Officers shall use department authorized emergency lights and siren in a continuous manner during any vehicular pursuit.
- b. Officers shall immediately notify dispatch if an accident occurs as a result of the pursuit.
- c. Officers shall notify or acknowledge via radio whenever the pursuit has been terminated.

2. Role of Officers in the Primary Pursuit Vehicle

Officers in the primary pursuit marked squad shall:

- a. Notify dispatcher by radio of the location, speed, direction of travel, and reason for the pursuit.
- b. Identify the vehicle and its occupants as completely as possible.
- c. Call out the location and direction of the pursued vehicle and any directional changes as frequently as possible.
- d. All officers in the primary pursuit vehicle shall complete an offense/incident report entitled "FLEE" and all other necessary reports. The report shall contain:
 - the initial reason for the stop;
 - when red lights and siren were activated;
 - evasive actions taken by the offender;
 - any injuries or property damage as a result of the pursuit;
 - the offenses for which the offender was arrested as a result of the pursuit;
 - the length of the pursuit in distance and time;
 - the outcome of the pursuit;

- any tactical options utilized;
- if the pursuit was terminated without an arrest, the reason the pursuit was terminated.

- e. Whenever reasonable, officers in the primary pursuit vehicle shall not physically remove the offender or passengers from the vehicle but should wait for the officers in the secondary pursuit vehicle to arrive and remove the offender or passengers.
- f. Primary pursuit officers shall not transport the arrested suspect unless authorized by the pursuit supervisor. The officers and supervisor shall note the authorization in the report.

3. Role of Officers in the Secondary Pursuit Vehicles

Officers in the secondary pursuit vehicles shall:

- a. Notify the dispatcher by radio of their involvement in the pursuit.
- b. Maintain a reasonably safe distance from the initiating squad. At no time shall the secondary squad drive directly next to or pass the primary squad unless requested by the primary squad.
 - i. Officers should be alert to the fact that citizens will see the primary squad proceed, may assume that it is the only emergency vehicle in the area, and may be unaware or inattentive to the second emergency vehicle, especially if it is far behind the pursuing vehicle.
- c. Remove offenders and passengers from vehicle when pursuit results in an apprehension, then transport.
- d. All officers in secondary pursuit vehicles shall complete a statement in the pursuit report regarding their involvement in the pursuit.

4. Role of the Pursuit Supervisor

The pursuit supervisor shall:

- a. Acknowledge responsibility of the pursuit over the radio.
- b. Monitor the pursuit.
 - i. Whenever practical, the pursuit supervisor shall not be a participating squad in the pursuit.

- ii. If another squad is available to take over in the pursuit, the pursuit supervisor shall discontinue their participation as an involved squad and maintain their role as the pursuit supervisor.
 - iii. If the pursuit supervisor is an involved squad and no other squads are available to take over, they shall request that another supervisor (at the rank of Sergeant or higher) assume the role of pursuit supervisor.
- c. When notified of an accident as a result of the pursuit, the pursuit supervisor shall ensure a squad stops immediately to check for injuries.
 - d. Exercise their authority and responsibility to decide whether to commit additional squads or to terminate the pursuit if they believe that the risk to the general public and officers outweighs the necessity to immediately arrest the suspect.
 - e. Respond as soon as possible to the location where the pursuit ended or at the scene of a collision. If the pursuit is called off with no apprehension, collision or injury, the pursuit supervisor does not have to respond to the scene.
 - f. Wherever practical, supervisors shall not allow the offender or passengers to be removed from the vehicle by the primary pursuit officers. The arrested suspect(s) shall not be transported by the primary pursuit vehicle unless specifically authorized by the pursuit supervisor.
 - g. Complete a statement in the pursuit report regarding their involvement in the pursuit. If the pursuit supervisor terminated the pursuit, the statement shall include the reasons and basis for termination.
 - h. Immediately review the pursuit for compliance with department policies and procedures.
 - i. A digital recording of the pursuit may be obtained from MECC by the pursuit supervisor. The request shall be made by emailing "911 Recording" via City of Minneapolis email.
 - i. Write a Pursuit Summary Memo.
 - i. The Pursuit Summary Memo shall include all of the following information:
 - Date and time of the pursuit and the Case Control Number (CCN);
 - Squad(s) involved in the pursuit;
 - Offense that led to the attempted stop;
 - General route of the pursuit, approximate distance covered, and approximate speeds attained;
 - Description of the weather and road conditions;

- Outcome of the pursuit including a description of any damage or injuries sustained as a result of the pursuit;
- The reasons and basis for continuing or terminating the pursuit;
- Statement as to whether department policies were followed during the pursuit;
- Any other information deemed relevant

ii. The Pursuit Summary Memo shall be emailed as an attachment to:

- The Park Police Patrol Lieutenant, and
- The Park Police Chief.

C. Tactical Options and Use of Force in a Pursuit

1. Air Support

Once contact is made with air support and air support has the suspect vehicle in sight, the primary squad shall reduce the level of pursuit to that of a secondary squad.

2. Roadblocks and Intentional Vehicle Contact

- a. A roadblock is when a marked squad is placed, either moving or stationary, in the roadway to narrow or block the escape route of a moving vehicle being pursued.
- b. Roadblocks, rolling roadblocks and other intentional vehicle contact may be used only when deadly force is justified.
- c. Procedures for setting up roadblocks are as follows:
 - i. The pursuit supervisor's approval shall be obtained to set up a roadblock. The pursuit supervisor may cancel a roadblock at any time.
 - ii. Only marked squads shall be used.
 - iii. The marked squads used to set up the roadblock shall be unoccupied. Officers from those vehicles shall be a safe distance away from the roadblock in case the pursued vehicle strikes a police vehicle.
 - iv. Marked squads used in the roadblock shall have all emergency lighting activated. When possible, there shall also be a reasonable distance to allow the driver of the pursued vehicle to stop before striking a police vehicle.
 - v. The number of police vehicles used in a roadblock shall be limited to only those necessary to cause the offender to stop.

- c. This policy is not intended to prohibit the strategic placement of squads on side streets, driveways, parking lots and alleys to eliminate potential escape routes and assist in controlling a pursuit. Supporting or responding officers shall use speeds and driving that do not present a danger to the public or to other officers.

3. Hostage-Involved Vehicular Pursuit

- a. If a vehicular pursuit involves a hostage, the safety of the hostage must be the primary consideration in determining the tactics that will be used during the pursuit.
- b. As soon as the existence of a hostage is known that information shall be communicated to the pursuit supervisor.

D. Procedures After Apprehension or Vehicle Recovery

1. If an offender is apprehended:
 - a. Officers shall assess driving impairment and follow DUI protocol if probable cause exists.
 - b. Obtain statements from passengers and witnesses.
 - c. Complete an arrest report and all other necessary reports.
2. Whenever a pursuit vehicle is recovered or located, it shall be towed to the Minneapolis Impound Lot and marked "Hold for Park Police - FLEE."

E. Pursuit-Related Investigation and Review

1. Vehicle accidents shall be investigated according to the Accident Investigation Responsibility policy (P&P 7-502).
2. To ensure compliance with MN Statute, Traffic Investigation personnel shall complete the state pursuit report form and forward it to the Bureau of Criminal Apprehension (BCA) within 30 days following the incident.

F. Vehicle Pursuits into Minneapolis by Other Jurisdictions

1. In any pursuit, regardless of the initiating agency or jurisdiction, MPPD vehicles shall observe existing MPPD policies regarding pursuits.
2. If another agency involved in a pursuit enters the city limits, MPPD officers shall not assist in the pursuit unless authorized by a Park Police supervisor.

3. If more than two squads from other agencies are involved in the pursuit, only one authorized MPPD marked squad shall assist in the pursuit.
4. The initiating agency will be in-charge of the arrest scene when they arrive.
5. The initiating agency retains the authority to terminate pursuit.
6. In the event vehicles from the initiating agency cannot continue, the pursuit supervisor may authorize MPPD police officers to take responsibility for the pursuit if:
 - a. They are in position to do so.
 - b. The offender being pursued fits the MPPD's pursuit policy.
7. Officers involved in another agency's pursuit shall not leave the Minneapolis city limits unless authorized by the pursuit supervisor.

G. Vehicle Pursuits into Other Jurisdictions by MPPD Squads

1. Prior authorization must be given over the air by the Park Police pursuit supervisor before a pursuit initiated by an MPPD officer leaves the City limits. If authorization is not received before reaching the City limits, the officer shall terminate the pursuit.
2. A pursuit supervisor shall continue to monitor any out-of-city pursuit and respond to the scene when the pursuit has ended.
3. MECC is responsible for managing pursuit communications, which in some cases may be patched to an inter-op channel. When the pursuit is cross-patched with other agency communications all squads must precede their squad number with the word "Minneapolis."
4. MPPD officers have the authority to terminate pursuits out of the city of Minneapolis whenever an MPPD marked squad is the primary pursuit vehicle.
5. If a vehicular pursuit results in an accident, the jurisdiction in which the accident occurs shall be responsible for the accident scene and the subsequent accident investigation.

Department policy approved by:



Al Bangoura, Superintendent Date 6/24/19

