

Austin Police Department

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Title: VEHICLE PURSUITS		Application: All Personnel

PURPOSE:

The purpose of this policy is to establish clear guidelines for officers and supervisors involved in vehicle pursuits.

POLICY:

It is the policy of the Austin Police Department to protect lives while enforcing the law and to guide its officers in the safe and reasonable performance of their duties. 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 State Statute. These exemptions are provided to help protect lives, not to place them at undue risk.

DEFINITIONS:

- A. **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.
- B. **Termination of a Pursuit:** A pursuit shall terminate when the pursuing officer(s) turn off the emergency equipment, resume routine vehicle operation and informs dispatch, or when the suspect vehicle stops.
- C. **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.
- D. **Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- E. **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.

PROCEDURE:

A. Pursuit Considerations

1. Pursuit is justified when:
 - a) A vehicle operator fails to stop after being given a visual or audible signal to stop by a peace officer; and
 - b) There is reasonable expectation of a successful apprehension of the suspect.

2. Other factors to be considered:
 - a) The initial decision to engage in a pursuit shall rest primarily with the officer who has initiated the vehicular stop, after considering the elements of this policy.
 - b) These elements shall 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).
 - c) The officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
 - d) Terminating a pursuit shall be considered a decision made in the interest of public safety.
 - e) The officer's decision to continue a pursuit may be overridden by a supervisor at any time.

3. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall 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.

B. Procedures & Tactics for an Officer Engaging in a Pursuit

1. Emergency vehicles shall 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 shall be known as the primary unit, which will be the unit closest to the fleeing vehicle and the secondary unit, which shall remain at a safe distance behind the primary unit but close enough to provide support and communicate with dispatch. Backup units as needed shall operate at a safe distance to provide support.

C. Responsibilities of the Primary Unit

1. The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch:
 - a) 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 officer.
 - f) Any other important information about the suspect vehicle or environment (for example, the suspect is traveling without lights, or the officer has lost sight of the vehicle).
2. Based on the known information the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
3. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force).
4. Roadblocks must conform to the agency's policy on use of force.
5. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles.

D. Supervision of Pursuit Activities

1. Each agency shall outline their procedures regarding who has control over pursuit activities.
2. Procedures regarding control over pursuit activities should:
 - a) Reference who should be notified a unit has become involved in a pursuit.
 - b) Reference who critical information necessary to evaluate the continuation of the pursuit should be directed to.
 - c) Indicate who has the authority to terminate any pursuit.
3. Options to keep in mind during a pursuit include, but are not limited to:
 - a) Parallel pursuits.
 - b) Channeling techniques.
 - c) Creating a compelling path.
4. Post-pursuit chain of command notifications are required and should be identified in each agency's policy.

E. Dispatch Responsibilities

Dispatch shall coordinate critical information as timely and accurately as is reasonably possible.

F. Factors Influencing the Termination of a Pursuit:

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect, and shall consider terminating the pursuit under the following conditions.

1. The conditions of the pursuit become too risky for the safe continuation of the pursuit.
2. A supervisor orders it 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.

G. Inter-jurisdictional Pursuit

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.
3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
4. When a pursuit enters this law enforcement agency's jurisdiction:
 - a) The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
 - b) The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

H. Air Support

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

I. Care and Consideration of Victims

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.
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.

J. Pursuit Summary Report

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with MN STAT 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the incident.
3. As required in MN 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.

K. Evaluation and Critique

After each pursuit the supervisor and law enforcement agency units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the agency's pursuit policy and tactics.

ACCOUNTABILITY:

Supervisors of the department are responsible for ensuring that this and all policies of this department are followed. Deviations from this or any other policy are permitted within the scope of authority granted to all members of this department; however, the deviation must be reported in accordance with policy.