

Purpose

This policy provides guidance to officers in the safe and responsible operation of emergency vehicles. ([Minn. Stat. § 626.8458, subd. 1](#)) including operation during vehicle pursuits. This policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law.

I. POLICY

It is the policy of Bemidji Police Department to require that officers exercise sound professional judgment in the operation of emergency vehicles, mindful of our overarching duty to protect public safety. Emergency driving is sometimes necessary to meet urgent public safety needs, but it involves increased risks to persons and property. Officers must balance these risks against the need for a prompt response, while also driving with due regard for the safety of others. ([Minn. Stat. § 169.17](#)).

II. DEFINITIONS

- A. *Emergency Response:*** in the exercise of sound professional judgment, calls for arriving somewhere more promptly than could be accomplished by routine driving in order to protect life, safety, property, render medical assistance, or to apprehend one who has committed or is suspected of committing an offense.
- B. *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.
- C. *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.
- D. *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.
- E. *Channeling:*** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- F. *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.
- G. *Portable Tire Deflation Device:*** A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

III. PROCEDURE

A. *Emergency Vehicle Response*

1. To operate in emergency status, the police vehicle must be sounding its siren or displaying at least one lighted red light to the front. ([Minn. Stat. §§ 169.03, subd. 2; 169.17](#)). Officers should use both lights and siren when doing so would enhance safety without hindering a law enforcement objective. The use of a siren might hinder a law enforcement objective when, for example, nearing the scene of a reported crime in progress
2. Officers must exercise sound professional judgment in gauging their speed and manner of driving. There are multiple factors that affect safety during emergency driving, including but not limited to road, traffic, weather, and lighting conditions, time of day, and the presence of pedestrians. Officers should take these and other relevant factors into account and respond in a manner that does not, given the urgency of the situation, unreasonably endanger others.
3. Officers must discontinue an emergency response when;
 - a. Circumstances indicate the risk created by emergency driving plainly outweighs the necessity of arriving quickly;
 - b. The emergency situation has ceased to exist;
 - c. When directed by a supervisor to discontinue.

B. *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:
 - 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.
 - 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).
 - the officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
 - terminating a pursuit shall be considered a decision made in the interest of public safety.
 - 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:
 - is the need to immediately apprehend the suspect more important than the risk created by the pursuit.

- do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape.

I. 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.
4. Upon the decision or direction to terminate a pursuit, the pursuing vehicles shall decrease speed to the posted speed limit, deactivate the emergency lights and change direction.

II. 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:
 1. unit identification.
 2. offense for which the suspect is being pursued.
 3. suspect vehicle description including license number if reasonably possible.
 4. location, direction and speed of both vehicles.
 5. description of occupant(s) and if suspect is known to the officer.
 6. 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 activated emergency lights and siren will be used as pursuit vehicles.
6. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

III. Supervision of Pursuit Activities

1. The on-duty Supervisor or Officer In Charge should be made aware of the pursuit

as soon as possible after the pursuit is initiated. The may be accomplished through radio transmission from the initiating officer, dispatch or direct communication from our officers on duty.

2. Once notified, the supervisor has control over pursuit activities, including:
 - Requesting further critical information necessary to evaluate the continuation of the pursuit.
 - Authority to terminate the pursuit at any time.
3. Options to keep in mind during a pursuit include, but are not limited to:
 - parallel pursuits.
 - channeling techniques.
 - creating a compelling path.
 - Air Support
 - Spike Strips
4. Post-pursuit chain of command notifications are required and should comply with policy #204.

IV. Dispatch Responsibilities

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

V. 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 terminate the pursuit under the following conditions.

1. The conditions of the pursuit become too dangerous for the safe continuation of the pursuit.
2. A supervisor orders it to be terminated.
3. Information is communicated that indicates the pursuit is out of compliance with policy.
4. Communication with dispatch or other officers is lost.
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 the reason for the pursuit is a violation of a misdemeanor crime or less, and delaying apprehension does not create a substantial known risk of injury or death to another person.

VI. Interjurisdictional 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: the dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency. The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

5. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. It is recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).

1. If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available and as soon as is practical. Prior to, or as soon as possible after crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.

6. Subject to the conditions identified under B.III.5. above the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal.)

7. All vehicle pursuits shall cease at the borders of the Red Lake Nation and Canada. Information may be relayed to Tribal or Canadian authorities so they may continue the pursuit on their lands.

VII. 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.

VII. Pursuit Summary Report

- i. A supervisor shall ensure the primary officer has completed a pursuit summary report.
- ii. 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.

- iii. 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.
 - g) other information deemed relevant by the Commissioner of Public Safety

VIII. Evaluation and Critique

After each pursuit the supervisor and law enforcement agency units involved with the pursuit will evaluate the pursuit. A supervisor designated by the Chief of Police will perform a secondary review of all pursuits and will make recommendations for improvement report violations of this policy to the chief law enforcement officer when needed.

C. 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.

D. Training

All Bemidji Police Officers whom the Chief of Police determines may be involved in police pursuits are required to undergo the training specified by [Minn. Stat § 626.8458](#) for pursuits and emergency vehicle operations. This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years. Continual training should also be considered for those officers authorized to use the PIT maneuver, tire deflation device deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

E. Statutory Framework

The Minnesota traffic code provides specific exemptions for emergency vehicles that apply when an officer is responding to an emergency or is in immediate pursuit of an actual or suspected violator. These exemptions allow officers operating an emergency vehicle to:

1. Proceed cautiously past a red light or stop sign after slowing down as necessary for safety ([Minn. Stat. § 169.03, subd. 2](#))
2. Travel faster than the speed limit ([Minn. Stat. § 169.17](#))
3. Enter against the run of traffic on a one-way street or highway to get to the place of the reported emergency ([Minn. Stat. § 169.03, subd. 3](#)); and
4. Stop or park as necessary at the scene of an emergency, without regard to laws or ordinances that regulate parking or stopping in traffic. ([Minn. Stat. § 169.03, subd. 4](#))

However, driving conduct that is not specifically covered by an exemption may still be permissible when officers: (1) are balancing the need for arriving quickly against the risks of the emergency response; and (2) driving with due regard for the safety of others

F. Reference and Revision Date(s):

- A. Minnesota POST Board – Model Policy**
- B. League of Minnesota – Model Policy 01/23/2023**
- C. Minnesota Statute § 626.5532**
- D. Minnesota Statute § 626.8452**
- E. MN Rules 6700.2700 – 6700.2704**
- F. REVISION DATE(S):**
 - a. 12/11/2018 – Clarification of termination, Section III. B. 4
 - b. 04/13/2023 – Addition of LMC language
 - c. 02/12/2024 – Model Policy from MN POST board
 - d. 08/01/2024 – Model Policy from MN POST board