



DIRECTIVE
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENFORCEMENT

Subject: OPERATION OF VEHICLES AND WATERCRAFT WITHOUT LIGHTS	
Directive Number: O-19-2013	Effective Date: February 11, 2013
Special Instructions: Rescinds Directive O-19-2012	
Reference: Minnesota Statutes, Sections 169.541 and 169.48	
Distribution: All Conservation Officers	
Number of Pages, Including Appendices and Signature Page: 15	

This directive is for division use only and does not modify or supercede any law and should not apply to any criminal or civil proceeding except civil proceedings related to departmental administrative action, including disciplinary action. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense. Violations of this directive may form the basis for departmental administrative action.

I. PURPOSE

The purpose of this directive is to provide direction to state conservation officers in the operation of vehicles and watercraft without lights as permitted under Minnesota Statutes, Section 169.541 in the performance of field duties.

II. DEFINITIONS

DNR Enforcement Vehicle: Is any vehicle that is owned and titled to the State of Minnesota, MN-DNR Enforcement Division assigned to a Conservation Officer for field duties that may include but is not limited to pickup trucks, sedans, or SUV's outfitted as emergency vehicles with emergency lighting, sirens, as well as approved no light or restricted lighting components.

III. POLICY

Vehicles and watercraft operated by conservation officers shall display all lighting devices required by law and regulation, except as authorized by this directive and Minnesota Statutes, Section 169.541 while not displaying lights otherwise required when necessary to accomplish law enforcement duties consistent with this directive and Minnesota Statutes, Section 169.541.

IV. GUIDELINES FOR OPERATION WITHOUT LIGHTS/FIELD PATROL/SURVEILLANCE

- A. Operation without required lights is authorized when conservation 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, regulations, or orders.
- B. In the event conditions or circumstances change, or the safety of the public or an officer is compromised, officers shall immediately use due regard and reactivate lights or restricted lighting devices.
- C. Only vehicles and watercraft owned, leased, or otherwise the property of the state may be operated without lights. Subject to the provisions of this directive, vehicles and watercraft may be operated without lights, including headlamps, tail lamps, clearance lamps, navigational lighting, or any other required lights under the following conditions and purposes:
 - 1. To enter an area or location undetected or for surveillance.
 - 2. To investigate, or respond to a criminal violation or suspected criminal violation.
 - 3. When directed by a law enforcement officer or pilot to an actual or suspected criminal violation.
 - 4. When following a suspected violator at a safe distance and at speeds reasonable for existing weather, road, traffic or watercraft travel conditions.
 - 5. When from the officer's experience and training, the officer believes traveling into an area with a non-illuminated vehicle affords a tactical advantage/officer safety by concealing the approach or response to a recognized, known or perceived threat to the officer's safety.
- D. **Recreational Vehicles Prohibition:** Snowmobiles, ATVs, and other recreational vehicles shall not be operated without required lights.

E. Restrictions on Operating Vehicles Without Lights:

Vehicles and, where applicable, watercraft shall not be operated without required lights under the following conditions:

1. On an interstate highway or other divided highway.
2. At speeds greater than reasonable and prudent under existing weather, road, traffic or water travel conditions.
3. While involved in a pursuit of a motor vehicle being operated in violation of Minnesota Statutes, Section 609.485 (fleeing a peace officer).
4. Contrary to the provisions of Minnesota Statutes, Section 169.541 (see appendix A of this directive).
5. Contrary to directives or policies of this division.
6. When the officer does not have a reason to believe that a criminal violation or suspected criminal violation has or may take place.
7. Operation of watercraft without required lighting is not permitted on waters under the primary jurisdiction of the U.S. Coast Guard (see appendix B of this directive).

F. Authorized DNR Enforcement Vehicles to be Operated Without Lights or Restricted Lighting Devices:

1. Only DNR Enforcement vehicles that have been modified for restricted lighting or no light operation by a certified law enforcement emergency equipment vendor/technician may be operated without lights.
2. Installation of any special no light or low light components, equipment, or equipment modifications require the approval of the Director.
3. Enforcement vehicles issued to management-level conservation officers will not be authorized for this modification.
4. Conservation officers must obtain their appropriate NR Program Manager's/Captain's approval to have no light or restricted lighting components installed on any DNR Enforcement Vehicle.

5. Officers shall not alter, remove, or disable any equipment that functions to enhance safety during vehicle operation without lights; nor shall an officer attempt to personally modify, install lighting equipment, or allow any other person, other than an approved vendor, to modify a DNR Enforcement Vehicle to be operated without lights.
6. Officers shall not conceal/cover rear tail lamps, head lights, parking lights, or brake lights that illuminate to the rear or ahead of the vehicle while the vehicle is in motion; nor shall any officer disable any exterior vehicle light bulbs/lamps, cut or splice vehicle wiring, or install any personal equipment that may interfere with factory designed and installed safety features.

G. Reporting of Lighting System Failure/Monthly Inspection Required:

1. Monthly Inspections Required:
Vehicles that are equipped with restricted lighting or no light components shall be inspected monthly by the officer to ensure proper functioning of all lighting and factory designed safety features. The inspection will be noted on the monthly MUIR vehicle use report with a notation near the "Safety Equipment Checked" tab.
2. In the event a defect of any of the vehicle's lighting systems, or the no light or low light components are not working properly, the officer will immediately notify their supervisor and take the vehicle to an approved vendor for repairs. In the event a District Supervisor learns or finds a vehicle with non-functioning restricted lighting or low lighting components, the supervisor shall remove the vehicle from field service and immediately report the incident to the appropriate NR Program Manager/Captain. Any failure of a vehicle's lighting system will be documented on a Division Safety Management Report. Copies of these forms shall be maintained by the Division's Operations Support Manager.

V. TRAINING REQUIRED

Officers authorized to operate vehicles without lights must attend and complete a MN-POST Board approved training class on the operation of motor vehicles without lights (Minnesota Statutes, Section 169.541) before operating a DNR Enforcement Vehicle without lights or under low light components. The Standards and Training Manager will develop initial certification standards and lesson plans as well as, establish annual refresher training sessions for all conservation officers, to include:

- A. Authorized Operation of vehicles without required lighting.
- B. Utilization of specialized night operation equipment (e.g., blackout lights, night vision devices).

- C. Safety considerations during operation without lights.
- D. Documentation and records of training for each officer.

VI. INCIDENT INVESTIGATION:

In the event an officer is involved in a vehicle accident while driving a DNR Enforcement Vehicle without lights or in a low light situation or is found in violation of any provision this policy, an investigation will be conducted to determine the facts related to the incident. The Investigation Process will be at the discretion of the Division Director or his designee, and will be conducted using the Accident Review Board process as identified in the DNR Health and Safety Manual. The Division may also utilize its misconduct investigative processes as described in A-3-05 Allegations Against Conservation Officers. Officers found to be in violation of the policy guidelines are subject to disciplinary guidelines in the MLEA work agreement.

By Authority of:

COL Jim Konrad
Chief Conservation Officer/Division Director
Division of Enforcement

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**O-19-2013
APPENDIX A**

MINNESOTA STATUTES, SECTION 169.541

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O-19-2013
APPENDIX A

MINNESOTA STATUTES SECTION 169.541

169.541 LIGHTING EXEMPTION FOR LAW ENFORCEMENT; STANDARDS.

Subdivision 1. Exemption. Sections 84.87, 84.928, 86B.511, and 169.48 to 169.65, relating to lighting of vehicles and watercraft, do not apply to a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph (c), 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 under subdivision 2, 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.

Subd. 2. POST Board standards. The Peace Officer Standards and Training Board shall adopt standards governing situations in which licensed peace officers as defined in section 626.84, subdivision 1, paragraph (c), may operate a vehicle or watercraft without lights as provided in subdivision 1. The board shall report to the legislature on the standards by January 1, 1991.

HIST: 1990 c 391 art 10 s 3; 1990 c 555 s 9

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**O-19-2013
APPENDIX B**

LISTING OF MINNESOTA WATERS UNDER THE PRIMARY JURISDICTION OF THE
UNITED STATES COAST GUARD

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**O-19-2013
APPENDIX B**

**LISTING OF MINNESOTA WATERS UNDER THE PRIMARY JURISDICTION OF THE
UNITED STATES COAST GUARD**

Where a conflict exists between federal and state regulations, the federal requirements prevail. The following is a list of Minnesota waters on which the U.S. Coast Guard (USCG) has exerted authority and on which conservation officers must display lights on watercraft when required by federal law. These waters are generally, but not always, border waters and navigable portions of waters connected to border waters or waters connected to federal dam projects.

<u>County</u>	<u>Body of Water</u>
Aitkin	Big Sandy Lake
Aitkin	Flowage Lake
Aitkin	Sandy Lake Reservoir, including Big Sandy, Aitkin and Sandy Rivers; and Flowage Lakes
Aitkin	Sandy River
Beltrami	Andrusia Lake
Beltrami	Bemidji Lake
Beltrami	Big Lake
Beltrami	Cass Lake
Beltrami	Cass, Rice, Kitchi, Pike Bay, Andrusia Lake, Wolf Lake
Beltrami	Kitchi Lake
Beltrami	Sioux Lake
Big Stone	Big Stone Lake
Carlton	St. Louis River, from Spirit Lake to 1 st rapids
Cass	Boy Lake
Cass	Gull Lake Narrows
Cass	Leech Lake
Cass	Leech Lake Reservoir, including Gull, Wilson, Roy, Nisswa and Round Lakes
Cass	Leech River, from mouth to Leech Lake Dam
Cass	Little Cut Foot Lake
Cass	Nisswa Lake
Cass	Pike Bay Lake
Cass	Sanitorium Bay (Leech Lake)
Cass	Shingobee Bay (Leech Lake)
Cass	Upper Gull Lake
Cass	Wilson Lake
Cass	Zemple Bay
Clay	Red River of the North

Clearwater	Itasca Lake
Cook	Gneiss Lake
Cook	Granite Lake
Cook	Granite River
Cook	Gunflint Lake
Cook	Iron Lake
Cook	Lily Lake
Cook	Little Gunflint Lake
Cook	Little North Lake
Cook	Magnetic Lake
Cook	Maraboeuf Lake
Cook	Melon Lake
Cook	Mountain Lake
Cook	North Fowl Lake
Cook	North Lake
Cook	Pigeon River
Cook	Red Rock Lake
Cook	Rose Lake
Cook	Rove Lake
Cook	Saganaga Lake
Cook	Seagull Lake
Cook	Seagull River
Cook	South Fowl Lake
Cook	South Lake
Cook	Swamp Lake
Cook	Watap Lake
Crow Wing	Arrowhead and Pig Lakes
Crow Wing	Arrowhead Lake
Crow Wing	Bertha Lake
Crow Wing	Cross Lake
Crow Wing	Daggett Lake
Crow Wing	Gull Lake
Crow Wing	Island Lake
Crow Wing	Lower Hay Lake
Crow Wing	Lower Whitefish Lake
Crow Wing	Pig Lake
Crow Wing	Pine Lake
Crow Wing	Pine River, Pine River Reservoir, incl. Pine, Daggett, Cross, Rush Island, Big Trout, Whitefish
Crow Wing	Roy Lake
Crow Wing	Rush Lake
Crow Wing	Upper Whitefish Lake
Goodhue	Cannon River, from confluence with Mississippi River upstream .2 miles

Houston	Root River, from confluence with Mississippi River 2.6 miles upstream
Hubbard	Kabekona Bay
Itasca	Cut Foot Sioux Lake
Itasca	Gould Lake
Itasca	Pokegama Lake
Itasca	Pokegama Reservoir, including Pokegama, Gould, Blackwater and White Oak Lakes
Itasca	Rice Lake
Itasca	White Oak Lake
Itasca	Winnibigoshish Reservoir, including Cut Foot Sioux
Itasca	Winnibigoshish Lake
Kittson	Red River
Koochiching	Big Fork River, from mouth to 10 miles upstream
Koochiching	Rainy River, from LOW county to Rainy Lake
Koochiching	Rat Root River, to mile 11.5
Lac Qui Parle	Lac Qui Parle Lake
Lake	Cypress Lake
Lake	Devils Elbow Lake
Lake	Duluth Canal
Lake	Ensign Lake
Lake	Fall Lake
Lake	Garden Lake
Lake	Kawishiwa River
Lake	Knife Lake
Lake	Knife River
Lake	Lake Superior
Lake	Little Knife Lake
Lake	Moose Lake
Lake	Newton Lake
Lake	Sucker Lake
Lake of the Woods	Lake of the Woods
Lake of the Woods	Warroad River
Lake of the Woods	Rainy River from mouth to Koochiching County
Marshall	Mud Lake
Marshall	Red River
Norman	Red River
Norman	Wild Rice River, upstream to the City of Twin Valley
Otter Tail	Otter Tail River

Polk	Red Lake River, mouth to Fisher's Landing
Polk	Red River
St. Louis	Crane Lake
St. Louis	Kabetogama Lake
St. Louis	Lac La Croix
St. Louis	Lake Vermillion
St. Louis	Little Fork River
St. Louis	Little Vermillion Lake
St. Louis	Loon Lake
St. Louis	Loon River
St. Louis	Namakan Lake
St. Louis	Rainy Lake
St. Louis	Sand Point Lake
St. Louis	St. Louis Bay
St. Louis	St. Louis River, from Spirit Lake to 1 st rapids
St. Louis	Vermillion Slough
Traverse	Lake Traverse
Wabasha	Pepin Lake
Wabasha	Zumbro River, from confluence with Mississippi River upstream .1 mile
Various	Minnesota River, from Mississippi River to Shakopee
Various	Mississippi River, including Leech, Pepin, and Pokegama Lakes
Various	St. Croix River, from confluence with Mississippi River to Taylor's Falls

DIRECTIVE NO. O-19-2013 SIGNATURE

I have received a copy of **Directive O-19-2013, Operation of Vehicles and Watercraft Without Lights**, which I have read, placed in my directives manual, and have had an opportunity to discuss with my supervisor.

Officer Printed Name

Badge No.

Signature

Date

This sheet shall be signed and returned to your immediate supervisor within seven working days after receipt of this directive. Directive signature sheets will be filed and maintained in the officer's division file in the central office.