



**DIRECTIVE: O-7-21**

**SUBJECT: PURSUIT OF FLEEING MOTOR VEHICLES**

**EFFECTIVE DATE: 02/09/2021**

**APPENDIX: Appendix A – Forms List**

**DISTRIBUTION: All Conservation Officers**

**REFERENCE: Directives O-1, O-5, O-6, O-23; M.S. 97A.015, 169.011 subd. 3, 169.03, 169.17, 169.98, 609.066, 609.487, 609.5312 subd. 4, 626.8458, 626.8459; MN Rules 6700.2700 to 6700.2704; MN P.O.S.T. Board Model Policy – Revised 01/2011, Replaces O-7-99**

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

**I. PURPOSE**

The purpose of this directive is to provide guidance and direction to officers on conducting pursuits of fleeing motor vehicles and watercraft.

**II. POLICY**

It is the primary mission of the Minnesota Department of Natural Resources, Division of Enforcement, to protect lives while enforcing the law. In addition it is the responsibility of this division to guide 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 officially engaged in emergency vehicle operations in the performance of duties, operators 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. It is the policy of this division to make reasonable pursuit decisions. Pursuits are low frequency/high risk

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events that are undertaken by officers. Officers attempting to apprehend law violators must give primary consideration to safety of the public, law enforcement officers, and violators.

**III. DEFINITIONS**

- A. **Channeling:** to direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- B. **Compelling Path:** the use of channeling technique with a modified roadblock located at its narrowing 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.
- C. **Deadly Force** as defined in Minn. Stat. § 609.066, subd .1.
- D. **DNR Enforcement Authorized Emergency Vehicle**, for the purposes of this directive, means a vehicle as defined by Minn. Stat. § 169.011, subd. 3. This includes state owned, leased or authorized patrol cars, patrol trucks, patrol SUVs, Class I and Class II ATVs, off-highway motorcycles, snowmobiles and watercraft when equipped with red lights or siren, or both, operated by an officer.
- E. **Evolving Information**  
Additional information to be conveyed as soon as possible and continuously updated throughout the pursuit:
  - Traffic conditions including cross traffic, controlled intersection violations, and presence of pedestrians
  - Speed and location of fleeing vehicle, including wrong way travel and maneuvers placing anyone at risk
  - Number of occupants, description of occupants
- F. **NASBLA** means National Association of State Boating Law Administrators.
- G. **Other Assisting Units:** Officers not actively involved in the pursuit itself but assisting in working to minimize risk by blocking intersections or compelling paths.
- H. **Primary Pursuit Unit** is the pursuing vehicle immediately behind the fleeing vehicle.

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I. **Pursuit**

1. An active attempt by an officer operating a DNR Enforcement authorized emergency vehicle to apprehend an operator of a vehicle who, having been given a signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle or watercraft headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer, or otherwise flees a peace officer by means of a motor vehicle as described in Minn. Stat. § 609.487.
2. Other instances in which an officer activates emergency lights and siren or otherwise clearly gives a signal to stop and the operator complies by coming to a stop in a reasonably short distance are not considered pursuits.

J. **Required Initial Information (TRIPS)**

The minimum amount of information that must be communicated to dispatch as soon as possible upon initiation of a pursuit:

- Travel direction/location
- Reason for initial contact (specific violation)
- Identity of fleeing driver, if known
- Plate or registration number if available and/or vehicle description
- Speed of fleeing vehicle

K. **Severe and Imminent Threat:** the fleeing driver or other person in the fleeing vehicle is believed to have recently caused great bodily harm (as defined in Minn. Stat. § 609.02, subd. 8) or death to another person, or it is reasonably likely to occur if immediate action is not taken to apprehend him/her. The pursuit itself does not constitute a severe and imminent threat.

L. **Support Units:** any officer actively involved in the pursuit other than the primary unit.

M. **Termination of a pursuit:** means that a pursuit shall terminate when the primary officer turns off the emergency equipment, resumes routine vehicle operation, and radio notifications are made indicating termination; or when the suspect vehicle stops.

N. **Vehicle:** for the purposes of this directive, includes motor vehicle, off-road recreational vehicle (off-highway motorcycle, off-road vehicle, snowmobile, all-terrain vehicle), or motorboat as defined by Minn. Stat. § 609.487, subd. 2a; motor vehicle as defined in Minn. Stat. § 97A.015, subd. 32; and other watercraft.

IV. **GENERAL PURSUIT CONSIDERATIONS AND FACTORS**

A. Pursuit Considerations:

1. Pursuit is justified when:
  - a. a severe and imminent threat exists

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- b. a vehicle operator fails to stop after being given a signal to stop by an officer; and
  - c. there is a reasonable expectation of a successful apprehension of the suspect; and
2. Additional factors to be considered:
- a. The initial decision to engage in a pursuit shall rest primarily with the officer who has initiated the vehicle stop, after considering the elements of this directive.
  - b. The safety of the public, the officers, and the violators must all be considered. Officers must continually evaluate the pursuit and determine if it should be continued or terminated under these standards. In deciding whether to initiate or continue a pursuit, officers shall consider, at minimum, the following elements:
    - i. the underlying crime for which the suspect is wanted (is the need to apprehend immediately more important than the risk created by the pursuit),
    - ii. do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape,
    - iii. familiarity with the area of the pursuit,
    - iv. other traffic, population density, presence of bystanders, and area of the pursuit,
    - v. environmental factors, weather conditions, and road or trail conditions,
    - vi. performance capabilities of the pursuit vehicle, recognizing the pursuit vehicle's performance may be affected when pulling a trailer or carrying a load (e.g. canoe, ATV, OHM, snowmobile),
    - vii. apparent performance capabilities of the suspect's vehicle, and
    - viii. the ability to identify the suspect for apprehension at a later time.
  - c. The officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit. Many times the termination of a pursuit may be the safest and most appropriate action.
  - d. Terminating a pursuit shall be considered a decision made in the interest of public safety or officer safety.
  - e. The officer's decision to continue a pursuit may be overridden by a supervisor at any time.
  - f. In addition to the above factors, officers pursuing a vehicle must be aware of the inherent personal risks associated with this activity and must give paramount consideration to officer safety. Supervisors will be responsible for evaluating pursuits and addressing any circumstances where officers have taken unreasonable risks.

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**V. DEADLY FORCE**

Officers shall not take actions constituting deadly force unless such force is authorized by Minn. Stat. § 609.066 and the Use of Force Directive (O-1). Deadly force includes discharging a firearm at a vehicle or watercraft in which another person is believed to be.

**VI. PROCEDURES AND TACTICS FOR AN OFFICER ENGAGING IN A PURSUIT**

- A. Officers shall utilize the warning equipment available on the DNR Enforcement authorized emergency vehicle being operated when engaging in a pursuit, except that the use of warning equipment on aircraft is discretionary.
- B. DNR Enforcement authorized emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations when necessary, provided the officer continues to exercise due care in vehicle operation.
- C. A pursuit incident will involve a primary unit, and may involve one or more support units including a secondary unit.
- D. The vehicle with the most visible warning equipment should assume the primary pursuit position when possible.
- E. Not more than two vehicles, the primary and one secondary, should be actively involved in the pursuit unless more vehicles are required due to extraordinary circumstances. The secondary vehicle should stay a safe distance back but remain close enough to communicate with dispatch and to render assistance. All other officers should stay alert to the pursuit but not actively participate unless requested, or unless involved in establishing a channel or compelling path to end the pursuit.
- F. Channeling techniques may be used.
- G. The use of tire deflation devices or other specialized equipment may not be used by officers to terminate the pursuit.
- H. Creation of compelling path may be used where appropriate.
- I. All pursuit tactics shall comply with the Use of Force Directive.
- J. It shall be deemed to be in conformance with the Use of Force Directive for an officer to make intentional vehicle-to-vehicle contact only when deadly force is justified.

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- K. It shall be deemed in conformance with the Use of Force Directive for an officer to block the full width of a roadway or trail to stop a suspect vehicle, provided that the roadblock is plainly visible to oncoming traffic and there is a sufficient sight path to the roadblock to allow oncoming vehicles ample time to stop to avoid collision.

**VII. PURSUIT RESPONSIBILITIES**

A. General:

1. In order to be engaged in a pursuit, the fleeing driver or occupant(s) must pose a severe and imminent threat prior to the start of the pursuit.
2. In order to diminish the likelihood of a pursuit developing, members intending to stop a vehicle should be within close proximity to the subject vehicle prior to activating the emergency signal devices.
3. When there is an equipment failure involving emergency lights, siren, radio, brakes, steering, or other essential mechanical equipment, officers shall discontinue their involvement in the pursuit unless otherwise directed by a supervisor.

B. Primary Pursuit Unit

Upon becoming involved in a pursuit situation, the primary pursuit vehicle shall immediately comply with the following:

1. Immediately notify dispatch that a pursuit is underway and provide Required Initial Information (TRIPS).
2. Provide evolving information unless a support unit assumes that responsibility.
3. 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).
4. Officers shall consider whether other law enforcement vehicles are available that are better suited for the particular pursuit and shall attempt to substitute those vehicles as the primary pursuit unit when appropriate.

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C. Support Unit

1. Support units shall announce their involvement when joining the pursuit. The secondary unit immediately behind the primary unit should assume responsibility for providing evolving information.
2. The number of support units involved in the pursuit should be only those that are reasonably needed for the situation.

D. Pilot/Air Support

When a fleeing vehicle comes under the surveillance of an enforcement aircraft, the pilot or other crew member shall affirmatively communicate to all ground units that flight is overhead.

E. Supervisory Responsibility

1. Upon being notified of the pursuit, the supervisor shall:
  - a. Verbally acknowledge on the radio (or phone to dispatch) that they are monitoring the pursuit.
  - b. Ensure that involved officer's responsibilities are being followed.
  - c. Obtain the Required Initial and Evolving Information to continuously evaluate the pursuit for compliance with this directive.
  - d. Direct that pursuit be discontinued if, in his/her judgment, it is not justified to continue under the guidelines of this directive or for any other reason.

**VIII. DISPATCH RESPONSIBILITIES**

Dispatch shall coordinate critical information as timely and accurately as is reasonably possible and notify the emergency on call supervisor if a supervisor isn't already involved/aware of the pursuit.

**IX. INTER JURISDICTIONAL PURSUIT**

- A. All pursuits must meet the severe and imminent threat standard in order for officers to assist in a pursuit.
- B. Officers who become aware of another agency's pursuit, in the area the officer is working, shall advise the dispatcher handling the pursuit communications of his/her location and may assist in the pursuit. Officers assisting another agency shall follow the requirements of this Directive.

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- C. Since the Division's jurisdiction is statewide, all pursuits will be in areas of concurrent jurisdiction with other agencies. Officers shall notify these agencies through State Patrol dispatch when an officer is engaged in a pursuit, and when an officer is leaving a jurisdiction.
- D. The officer initiating the pursuit shall remain the primary unit unless that role is turned over to another officer or agency.
- E. If another agency's pursuit does not meet the requirements of this directive to pursue, the officer may not directly engage in the pursuit but may take reasonable actions in order to provide assistance if needed.
- F. A supervisor of another law enforcement agency may direct an officer to terminate a pursuit occurring in an area of that agency's jurisdiction if that supervisor determines that risks to public safety or officer safety outweigh the benefits of continuing the pursuit. If so directed, an officer involved in such a pursuit shall immediately terminate that pursuit.

**X. CARE AND CONSIDERATION OF VICTIMS**

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.

**XI. REPORTING REQUIREMENTS**

A. Officers

1. Primary and support units involved in a pursuit, or officers having used an intervention strategy, shall complete the Pursuit Report Form (see Appendix A) and incident report prior to the conclusion of their work day unless otherwise directed by a supervisor. The report must include all the pertinent and detailed information indicating the officer's involvement, including all Required Initial and Evolving Information known to the officer. Such information should demonstrate that the officer continuously evaluated the need to apprehend the driver or occupants given any specific risk factors present during the pursuit.
2. If the fleeing driver and/or other occupants are not apprehended, officers shall conduct further investigation with the intent to identify and charge any suspects.
3. Forfeiture notices must be served on the registered owner of the motor vehicle, off-road recreational vehicle, and motorboat as applicable and as provided for in Directive O-23.



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**B. Monitoring Supervisor**

1. Complete a supplemental report in our division's records management system.

**XII. PURSUIT EVALUATION AND CRITIQUE**

Immediate supervisors shall evaluate all pursuit reports for compliance with this directive and applicable statutes. Deviations from policy or law shall be immediately reported to the Operations Manager. At least annually, the Operations Manager shall review pursuit data and supply the data to the Division's Training and Recruitment Manager for review with the Division's EVOC instructors. Recommendations for improvement to this Directive, pursuit tactics, or Division training shall be forwarded to the Director.

**XIII. PURSUIT TRAINING**

The Division Training and Recruitment Manager shall establish pursuit training curricula including both classroom and skills-based training which meet the requirements of POST Board rules and Minnesota Statute. All officers shall receive a minimum of eight hours pursuit training every five years. The training shall, at a minimum, include the following:

- A. Current statutory requirements regarding pursuit issues.
- B. This Directive and associated Directives.
- C. An analysis of past pursuit incidents.
- D. Deadly force issues.

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**By Authority of:**

**Signed 2/9/2021**

**Rodmen Smith**

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**COL Rodmen Smith**

**Chief Conservation Officer/Division Director**

**Division of Enforcement**

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**APPENDIX A**  
**FORMS LIST**

Minnesota Pursuit Report