



Use of Vehicles

Chapter 9.00.00

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STATEMENT OF DUTY

It is the duty of all employees to operate City of Apple Valley vehicles in a careful and prudent manner, obeying traffic regulations and department orders addressing driving conduct. All employees have a duty to set a proper example of vehicle operation to the public.

RULE

9.00.00 Vehicle Use

9.00.01 Supervisory Permission

No employee or other person shall use a department vehicle without the permission of a supervisor, nor shall it be used for other than official business.

9.00.02 Maintenance/Cleaning

Employees shall maintain department vehicle and equipment in proper working order. Department vehicles shall be kept clean.

9.00.03 Leaving City Limits

An on-duty officer shall not leave the city limits without permission of a supervisor. Exceptions: Immediate pursuit of a person to be arrested or cited, assist another Apple Valley officer requesting assistance, request for mutual aid with permission of supervisor, if available; or if a supervisor is not available, with consideration given to minimum patrol coverage requirements. If no supervisor is available, the dispatcher must be informed of the officer's absence and reason for leaving. Investigators, unless otherwise instructed, have blanket permission to leave the city limits while performing their work assignments.



9.01.00 Response to Routine and Emergency Situations

The following code designations are established to govern call response in a police vehicle.

9.01.01 Code 1 – Routine Response

Definition – Code 1 operation means that in response to a call or in the act of performing an official police duty, a police vehicle is operated with neither emergency lights nor siren. Code 1 responses are typically for assignments that are not urgent, but are completed as soon as possible after an officer is assigned.

Rule – When responding Code 1, employees shall obey all traffic laws.

9.01.02 Code 2 – Silent Response

Definition – Code 2 operation means that in response to a call or in the act of performing an official police duty, a police vehicle is operated with emergency lights, but not the siren. The department recognizes special response techniques are necessary for handling particular calls, e.g. alarms in progress, hold up alarms, blocking traffic at accidents among others.

Rule – When responding Code 2, employees shall drive with due regard for the safety of all persons and shall reasonably weigh the risks involved in the response along with the potential of civil liability.

9.01.03 Code 3 – Emergency Response

Definition – Code 3 operation means that in response to a call or in the act of performing an official police duty, a police vehicle is operated with both emergency lights and siren simultaneously. The department recognizes that these are emergency assignments calling for all practical haste in response.

Rule – When an employee operates a vehicle in Code 3 status, they are acting as an authorized emergency vehicle, notifying other motorists of the operator’s intent to be yielded the right-of-way. A Code 3 response does not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the operator of an authorized emergency vehicle from the consequences of a reckless disregard of the safety of others.

9.02.00 Pursuit Driving

9.02.01 Policy Statement

It is the policy of the Apple Valley Police Department to control and regulate the manner in which emergency vehicle operations are undertaken and performed to guide its officers in the safe and reasonable performance of their duties. When engaged in emergency vehicle operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions by



statute, from certain traffic laws. These exemptions are provided to help protect lives, not to place them at undue risk.

9.02.02 Definitions

Pursuit: A multi-stage process by which a police officer initiates a vehicle stop and a driver resists the signal or order to stop, increases speed, extinguishes the vehicle's headlights or taillights, takes evasive action, and/or refuses to stop the vehicle. Once the driver refuses to obey the police officer's signal or order, this pursuit policy and procedure will determine the officer's and the department's actions.

Termination of a Pursuit: A pursuit has been terminated once the primary officer turns off the emergency equipment (lights and siren), resumes routine vehicle operations and informs the communications center, or once the suspect vehicle stops.

Pursuit Immobilization Technique (PIT): A tactical vehicle maneuver applied to a motor vehicle by trained law enforcement personnel for the purpose of stopping, altering the course, or terminating the movement of that vehicle.

Tactical Vehicle Intercept (TVI) technique: A tactical vehicle maneuver applied by two or more law enforcement vehicles to a PIT'ed vehicle to intentionally stop the vehicle from further motion. This technique may be utilized after a successful PIT of a target vehicle when practical. This technique will terminate the movement of the target vehicle, which will eliminate the further movement of the vehicle and the associated dangers of that movement.

Divided Highway: Any highway which has been separated into two or more roadways by

1. A physical barrier; or
2. A clearly indicated dividing section so constructed as to impede vehicular traffic.

9.02.03 Pursuit Considerations

A. Pursuit is justified:

1. When a vehicle operator refuses to stop after being given a visual and audible signal to stop by a police officer; and
2. When there is reasonable expectation of a successful apprehension of the suspect.

B. Other factors to be considered:

1. The initial decision to engage in a pursuit shall lie with the officer who has initiated the vehicle stop, after considering the elements of this policy.
2. 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, time of day, speeds involved, environmental factors, and weather conditions).
3. The primary officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.



4. Terminating a pursuit shall be considered a decision made in the interest of public safety. At times, the termination of a pursuit is the safest and most appropriate action.
 5. The primary officer's decision to continue a pursuit may be overridden by a supervisor at any time.
- C. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following:
1. Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?
 2. Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?

9.02.04 Procedures and Tactics for an Officer Engaging in a Pursuit

- A. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
- B. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations when necessary, as long as the officer continues to exercise due care in vehicle operation.
- C. The vehicles shall be known as the primary unit, which will be the officer closest to the fleeing vehicle and the secondary unit, which shall remain a safe distance behind the primary unit but close enough to provide support and communication with the communications center. Back-up officers as needed shall operate at a safe distance to provide support.
- D. Officers operating Class B unmarked vehicles, using red lights and siren, may engage in pursuit as a primary unit only until a marked vehicle becomes available to take over the pursuit as the primary unit. The Class B unmarked vehicle shall withdraw from the position of primary unit and may serve in a support function for the primary unit.
- E. No more than four squads shall become actively involved in the actual pursuit of the suspect vehicle unless otherwise directed by a supervisor. No more than two squads shall leave the city during the course of the pursuit without specific authorization from a supervisor.
- F. Officers shall not pursue suspect(s) the wrong way on interstate or other controlled access highways. Officers may drive on the wrong side of any other divided roadway when necessary and, in doing so, shall exercise caution.
- G. Officers operating totally unmarked vehicles as well as officers who have not received the mandatory training shall not be permitted to directly engage in a pursuit.
- H. Officers operating vehicles with video units shall immediately record all activities while involved in pursuit or acting as a back-up or support officer.
- I. Stop sticks are a useful tool that may be used to aid in terminating a pursuit or vehicle that fails to stop when ordered by law enforcement personnel.



The following steps and guidelines are to be considered:

1. Officers must be trained in the use of stop sticks before using them.
2. Officers with stop sticks will try to anticipate the route of the fleeing suspect in order to deploy stop sticks.
3. Stop sticks will not be used for suspects fleeing on a motorcycle.
4. Officers should use cover when deploying stop sticks.
5. Communicate with pursuing officers of the deployment.
6. When it is safe to do so, quickly remove the stop sticks from the roadway.

9.02.04.1 Use of Pursuit Immobilization Technique (PIT)

Caution: Only officers trained in the Pursuit Immobilization Technique (PIT) may use this option.

Because our primary concern in all pursuits is safety of the public, it is essential that all pursuits be terminated quickly. Once an officer is certain that a subject is starting to flee or the safety of the public is at risk if the vehicle is not stopped, the officer may immediately seek and use opportunities to stop the vehicle with PIT.

Early proper use of this technique will accomplish the twin goals of safety to the public and stopping the subject/suspect vehicle. PIT is appropriate to use at any time in a pursuit or other situation when it conforms to the training guidelines.

The decision to utilize PIT should be based upon the totality of the circumstances. These circumstances include the reason for the pursuit or vehicle not stopping, the safety of citizens not directly involved in the pursuit, the risk of injury to the occupants of the fleeing vehicle and pursuing officers, the speed involved when the technique is applied, traffic conditions, surface and width of the roadway, weather, visibility and any other conditions then existing.

PIT will normally be performed within the parameters of training. The use of PIT within the prescribed guidelines of the Apple Valley Police Department is not likely to cause physical injury or death. However, as speeds increase, attempting PIT may increase the possibility of serious physical injury or death.

The application of PIT at speeds greater than 50 mph is inherently more dangerous for civilians, officers, and the occupants in the subject/suspect vehicle. Performing PIT at speeds greater than 50 mph should be reserved only for those situations where the officer is attempting to prevent the death or great bodily harm to innocent civilians or officers that could result if the subject/suspect is not immediately stopped.

After application of the Pursuit Immobilization (PIT) technique, officers should utilize the Tactical Vehicle Intercept (TVI) technique to take custody of occupants. Post-pursuit stops should be conducted as high risk stops.



9.02.05 Responsibilities of the Primary Unit

- A. The primary unit shall notify the communications center of the pursuit and shall provide at least the following critical information to the communications center:
 - 1. Officer 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 officer.
 - 6. Any other important information about the suspect vehicle or environment (for example: suspect is traveling without lights, officer loses sight of vehicle).
- B. Based on the known information, the supervisor shall make the decision to either take further action or terminate the pursuit.
- C. No officer shall intentionally make vehicle-to-vehicle contact unless the officer has received specific training in pursuit termination maneuvers.
- D. Roadblocks may be established only with specific authorization from a supervisor.

9.02.06 Supervision of Pursuit Activities

- A. The primary unit shall have control over the activities of the pursuit prior to the notification of a supervisor. Control over the activities of the pursuit shall revert back to the primary unit in the event of a loss of communications with the supervisor or the communications center.
- B. A supervisor shall be notified as soon as practical that an officer is engaged in a pursuit. Once notified that an officer has become involved in a pursuit, the supervisor shall acknowledge notification immediately, monitor the pursuit activities and provide the officer of the primary unit with appropriate direction.
- C. The supervisor shall request critical information necessary to evaluate the continuation of the pursuit.
- D. The supervisor has the authority to terminate any pursuit. Prior to notification of a supervisor, the primary unit shall have the authority to terminate the pursuit.
- E. Options for the primary unit and the supervisor, once notified of the pursuit, to keep in mind include, but are not limited to the following:
 - 1. In cases involving wrong-way drivers, parallel pursuits may be used.
 - 2. Notification of the next jurisdiction is encouraged.
 - 3. Deployment of tire deflation equipment.
 - 4. Coordination of Apple Valley officers for intersection clearing.



- F. The Captain in charge of the Patrol Division shall receive post-pursuit notification of the pursuit.

9.02.07 Factors Influencing the Termination of a Pursuit

- A. The officer of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect.
- B. The conditions of the pursuit become too risky for the safe continuation of the pursuit, i.e., it is futile to continue.
- C. A supervisor orders the pursuit terminated.
- D. If information is communicated that indicates it is out of compliance with policy.
- E. When normal communication is broken.
- F. When visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
- G. When the suspect is known and could be apprehended later, and to delay apprehension does not create a substantial known risk of injury or death to another.

9.02.08 Inter-jurisdictional Pursuit

- A. The primary unit, before leaving the City of Apple Valley, shall update critical information to the communications center.
- B. The primary unit shall remain the primary unit in other jurisdictions unless the officer transfers the controlling pursuit authority to another jurisdiction. The primary unit, upon transferring the controlling pursuit authority to another jurisdiction, shall assume the role of a secondary or back-up unit.
- C. Upon receiving notification that the pursuit is entering another agency's jurisdiction, the communication center shall forward all critical information in its possession to that agency.
- D. When a pursuit enters the City of Apple Valley:
 - 1. The communication center shall update the critical information to the shift supervisor.
 - 2. The supervisor shall determine if the pursuit is in conformance with the policy of the Apple Valley Police Department.
 - 3. The supervisor shall provide the appropriate direction to Apple Valley officers.
- E. Officers involved in a pursuit and switching to an alternate police radio frequency during the pursuit shall monitor the Apple Valley main frequency.



9.02.09 Air Support

- A. Once air support is involved in the pursuit and has the fleeing vehicle in sight, the primary unit shall reduce the level of pursuit to that of support or other backup unit.
- B. Supervisory authorization is required for the primary unit to continue as the primary after air support becomes involved and has the fleeing vehicle in sight.

9.02.10 Care and Consideration of Victims

- A. If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the communication center to have the appropriate emergency medical units respond.
- B. The primary unit will be responsible for ensuring that assistance is provided to people who may have been injured during the course of a pursuit. The primary unit may delegate the responsibility to render assistance to a specific support unit when they are immediately available to render assistance.

9.02.11 Pursuit Summary Report

- A. The primary officer and the supervisor shall file a pursuit summary report.
- B. To ensure compliance with MN Statute 626.5532, the Chief of Police shall insure the completion of the state pursuit report form and forward it to the Commissioner of Public Safety within thirty (30) days following the pursuit.
- C. The report must contain the following elements:
 - 1. The reason(s) for, and the circumstances surrounding the pursuit;
 - 2. The alleged offense;
 - 3. The length of the pursuit including time and distance;
 - 4. The outcome of the pursuit;
 - 5. Any injuries or property damage resulting from the pursuit; and
 - 6. Any pending criminal charges against the driver.

9.02.12 Evaluation and Critique

After each pursuit, the supervisor, the pursuing officers, and communication center personnel shall evaluate the pursuit and when necessary, make recommendations to the Chief of Police.

9.03.00 Vehicle Inspection

9.03.01 Marked Patrol Vehicles

Marked patrol vehicles will be inspected by officers to see that the vehicle is undamaged and ready for service prior to being driven. Officers should be alert for faulty or inoperative equipment.



Special attention should be given to brakes, lights, and emergency equipment. Any damage to the vehicle or inoperative or faulty equipment will be reported immediately. Officers are responsible for seeing that their patrol vehicle is properly equipped with shotgun, extra ammunition, appropriate traffic safety equipment, first aid kit, and communications equipment as well as required department forms before beginning their shift.

Refer to the current department "Squad Check" for a more complete list of articles to be checked and/or maintained in or on the vehicle. The squad check list will be completed at the beginning of the shift or as soon as possible thereafter.

9.04.00 Vehicle Operation

All officers will operate their vehicles with due regard for safety. When responding to an emergency situation or when in pursuit of another vehicle, personnel will be mindful of road conditions, surrounding traffic, and other hazards and will operate emergency lights and sirens as required by law and in accordance with department procedure.

9.04.01 Unauthorized Passengers

Officers will not transport persons in patrol cars unless such transportation is in connection with official department business, or an exception has been granted by a supervisor. Civilian ride-alongs are allowed for valid purposes and with supervisor approval.

9.04.02 Accidents

When a department vehicle is involved in an accident, officers will render necessary aid to the injured, remove any hazards to life or property, and contact their supervisor promptly.

9.04.03 Use of Safety Belts/Restraining Devices

As required by State Law, all persons, except where specifically exempted, shall use the safety belt restraining system while operating or riding as a passenger in a departmental vehicle while the vehicle is in motion. This policy shall not apply to persons occupying a seating position that is not equipped with a safety belt assembly, or to any officer possessing a written indication from a physician or the chief of police that for medical or physical reasons the officer is unable to use the safety belt system.

When arriving at an emergency call or making a traffic stop, the operator may remove the restraint device just prior to stopping for quick exit and to prevent becoming entangled in the restraint device.

A decal indicating that the use of safety belts/restraining devices is required shall be affixed to the dash of all departmental vehicles.

9.04.04 Operating Without Lights

1. Purpose: To establish guidelines in accordance with applicable statutes to govern the conduct of officers of by the Apple Valley Police Department as licensed peace officers for the purpose of



operating a motor vehicle or watercraft without lights. Minnesota Statute 169.48, 169.541, Subd. 1 and 2 (see Appendix A herein).

When operating a motor vehicle or watercraft without lights, an officer's conduct must be reasonable and consistent with the guidelines established by current Minnesota Statutes and this regulation.

2. Definitions:

Department: The Apple Valley Police Department.

Operating Without Lights: Operating without lights means a peace officer operating a vehicle or watercraft without lights as an exception to Minnesota Statutes Sections 84.87, 84.928, 169.48 to 169.65, and 86B.511. This definition does not include a parked vehicle.

Peace Officer: Peace officer has the meaning given it in Minnesota Statutes 626.64, Subd. 1(C).

3. General Provisions:

- A. Only full time sworn officers may operate, without lights, motor vehicles or watercraft which are owned, leased or otherwise the property of Department.
- B. Operating of motor vehicles or watercraft without lights must be in the performance of the officer's law enforcement duties.
- C. The officer must reasonably believe that operating a motor vehicle or watercraft 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.
- D. The vehicle must be operated in a manner which gives due regard to the safety of other persons and vehicles which might be in the area.

4. Allowable Operation Without Lights:

Motor Vehicle/Watercraft/ATV/Snowmobiles

- A. To enter an area undetected.
- B. For investigative purposes.
- C. When following a suspected criminal violator at a safe distance.

5. Operation Without Lights is Not Permitted:

- A. On interstate highways.



- B. At speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
 - C. In situations where the officer is an active participant in pursuing a motor vehicle being operated in violation of Minnesota Statutes 609.487 (Fleeing Peace Officer in a Motor Vehicle).
 - D. Contrary to the elements listed in Minnesota Statute 169.541 (Appendix A).
 - E. Contrary to any written policies or procedures established by the Chief of Police.
 - F. When a police vehicle is in motion and attempting to clock, overtake or stop a suspected petty misdemeanor traffic violator.
6. Property Damage/Personal Injury Report

If there is property damage or personal injury resulting from operating a motor vehicle or watercraft without lights, the officer involved shall immediately notify a supervisor of the circumstances. An incident report shall be completed by the officer as soon as possible following the incident. In no case shall the report be delayed more than 24 hours unless the officer is unable to complete it due to injury. In that case, the immediate supervisor shall complete the report.

9.04.05 Operation of Utility Vehicles

Police staff will have occasions to operate various non-traditional vehicles. These include, but are not limited to, utility vehicles owned by the police department, utility vehicles owned by another City of Apple Valley department, or utility vehicles owned by another jurisdiction or entity.

Utility vehicles are to be used for public outreach efforts or emergency response procedures in difficult terrains or weather conditions. Utility vehicles shall not be used to engage in pursuits or other traffic related enforcement efforts. Use of utility vehicles should not take the place of other patrol methods such as bike patrol, foot patrol, or vehicle patrol.



Appendix A

M.S.S. 169.48 (Vehicle Lighting)

Every vehicle upon a highway within this state, at any time from sunset to sunrise and at any other time when visibility is impaired by weather, smoke, fog or other conditions or there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, shall display lighted lamps and illuminating devices, as hereinafter, respectively, required for different classes of vehicles, subject to exceptions with respect to parked vehicles and law enforcement vehicles, as hereinafter stated. In addition to the other requirements of this paragraph, every school bus transporting children upon a highway within this state, at any time from a half hour before sunrise to a half hour after sunset, shall display lighted lamps and illuminating devices as required by this paragraph, except that the operator shall use the lower most distribution of light specified in section 169.60 unless conditions warrant otherwise.

When requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, these provisions shall apply during the time stated in this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the center of such lamps or devices. Parking lamps shall not be used in lieu of head lamps to satisfy the requirements of this section.

M.S.S. 169.541 (Lighting Exception; Law Enforcement Vehicles; Standards)

Subdivision 1. [Exemption] Sections 84.87, 84.928, 169.48 to 169.65, and 86B.511, 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.

Subdivision 2. [Post Board Standards] The Peace Officers' 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.

FORMS

Minnesota Pursuit Form