

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: June 13, 2019	DATE EFFECTIVE: June 16, 2019	NUMBER: SO19-011	PAGE: 1 of 3
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: <b>Manual Revision – 7-401 Normal <u>and Emergency</u> Vehicle Operation</b>			APPROVED BY: <i>Chief Arradondo</i>

MP-8806

**Introduction:** This policy is being updated to combine related sections together with clearer formatting. The conditions for emergency driving are being updated to match statutory language.

Effective with the issuance of this Special Order, Section 7-401 of the MPD Policy and Procedure Manual shall be amended as follows:

**7-401      NORMAL AND EMERGENCY VEHICLE OPERATION (12/31/90)  
(12/31/91) (02/08/93) (03/19/97) (10/12/01) (02/23/05) (12/14/07) (08/05/13)  
(06/16/19)**

(A-D)

**A. Vehicle Condition**

1. Vehicles shall not be driven when they are in unsafe mechanical condition.
2. Officers shall inspect their assigned vehicle before each tour of duty and immediately report any damage or mechanical failure to their supervisor. *[Moved from Paragraph 2]*

**B. Normal Operation**

1. Under normal conditions, personnel will operate police vehicles in the same manner as required for the public.
2. Violations of motor vehicle laws when not authorized, or careless and abusive use of police vehicular equipment may result in disciplinary action. ~~(12/14/07)~~ *[Moved from Paragraph 1]*

**C. Operating Without Lights**

This section regarding operating without lights applies to headlights and taillights, and does not apply to emergency lighting, which is addressed separately in this policy.

1. MN Statute section Minn. Stat. §169.541 exempts peace officers from statutes relating to the lighting of vehicles and watercraft when all of the following conditions apply:

- while operating a motor vehicle or watercraft owned, leased, or otherwise the property of the sState 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 by the Minnesota POST Board; and if
- ~~when 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, IF the officer's conduct is reasonable and is consistent with the standards adopted by the Minnesota POST Board. (12/31/90) (02/08/93)~~

2. ~~The standards that have been adopted are: (12/31/91)~~

In accordance with the Minnesota Post Board standards, a A-peace officer may not operate without lights: (12/31/91)

- on interstate highways;
- at speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions;
- faster than the posted speed limit;
- in situations where the peace officer is an active participant in the pursuit of pursuing a motor vehicle being operated in violation of MN Statute section Minn. Stat. § 609.487 (Fleeing a Peace Officer in a Motor Vehicle);
- contrary to the elements listed in MN Statute section Minn. Stat. § 169.541 (explained in the preceding paragraph);
- contrary to any written policies or procedures established by the Chief Law Enforcement Officer of the agency that employs the peace officer.

#### **D. Emergency Driving**

1. ~~7 402 EMERGENCY DRIVING AND VEHICULAR PURSUIT DEFINITIONS~~

~~EMERGENCY DRIVING~~ Emergency driving occurs whenever an officer intentionally drives in excess of the speed limit or in violation of any traffic control device or other traffic law.

2. ~~Emergency driving is authorized only when reasonably necessary in the performance of official duties. (12/14/07)~~ Emergency driving is authorized only, in accordance with MN Statute section 169.03 Subd. 5, "when in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law."

3. ~~7 403 VEHICLES EMERGENCY RESPONSE (10/12/01)~~ Only police vehicles with department authorized lights and sirens are authorized for emergency driving response.

4. Ordinarily, all All-MPD officers shall use department authorized red lights and sirens in a continuous manner continuously during for any emergency driving.

- a. Some incidents may necessitate an unannounced approach. If a responding officer determines the incident warrants an unannounced approach, the officer may deactivate or avoid use of the emergency lights or sirens when nearing the location, when reasonable given the environment and circumstances. The officer shall sound the siren or display at least one department authorized lighted red light to the front if exceeding the speed limits or proceeding past a red or stop signal or stop sign.
5. Officers performing emergency driving responding to a Code 3 emergency shall exercise caution and due consideration for the safety of the public.
- a. ~~Although Minn. Stat. §169.03 and 169.17 exempts officers from traffic statutes, the~~ The use of the red lights and siren does not exempt officers from the need for caution nor does it exempt them from criminal or civil liability.
  - b. Officers driving low profile, unmarked, motorcycle, or other MPD vehicles should be particularly aware of the less visible nature of the emergency equipment in/on the vehicle and should use extra caution. (12/14/07)
  - c. ~~Officers are advised that circumventing light rail intersection crossing arms is a very dangerous practice. Officers going around the light rail crossing arms when they are down causes the light rail train operator to emergency brake the light rail car. When the light rail car is emergency braked, it causes passengers to be ejected from their seats and thrown to the floor, which could cause serious injury or death. Due to these risks, officers~~ Officers are prohibited from going around the light rail crossing arms when they are down at an intersection. (02/23/05)

**E. 7-413 Emergency Escorts or Transportation by Police Vehicles**

- 1. Officers will not provide emergency escorts for private vehicles except under extreme or exigent circumstances.
- 2. Officers may provide emergency escort for other emergency vehicles equipped with red lights and sirens, when requested to do so.
- 3. Employees shall not transport persons in police vehicles except for a proper police purpose or on official department business.
- 4. Police vehicles should not be used to transport persons in need of physical medical attention except when ambulances are not available. Persons in need of medical attention shall normally be transported by ambulance and/or other medical equipment. (03/19/97)