

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of 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 (Wis. Stat. § 346.03(6); Wis. Admin. Code § LES 3.07).

Another purpose of this policy is to minimize the potential for pursuit-related crashes. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under rugged and unpredictable circumstances. ... It is recognized that vehicle pursuits are not always predictable, and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most critical factors to the successful conclusion of pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Channelization - Not itself a technique that induces a fleeing driver to stop; it is used to divert a driver to a preferred location. That location might be one that is less populated or less traveled, or it might be one more conducive to a forcible stop.

Moving roadblock (boxing-in) - A tactic that may be appropriate in low-speed pursuits, and can also be used for intoxicated drivers and disoriented drivers who fail to stop at the request of law enforcement.

Pursuit Intervention Technique (PIT) - A controlled contact between a patrol unit and the pursued vehicle at low speeds, intended to cause the operator of the pursued vehicle to lose control of their vehicle.

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Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblock with escape route - The placement of vehicles or other objects on the roadway to impede or alter the normal flow of traffic. In a roadblock with an escape route, the roadway is either not completely blocked or an alternate escape route is provided. The intention is to provide a show of force to convince the suspect that escape is impossible and induce the operator to give up.

Roadblock with no escape route - A technique in which the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, they will crash, with great potential for injury to the suspect and others in the area.

Tire-deflation devices - Spiked strips or sticks that are put down on the roadway to deflate the tires of any vehicle running over them. The tires lose air, making continued travel difficult or impossible.

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as increasing the speed of the vehicle, extinguishing the lights of the vehicle, disregarding traffic warning signs, stop signs, or red lights, driving off a roadway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop (Wis. Stat. § 85.07(8)(a)).

307.3 OFFICER RESPONSIBILITIES

It is the policy of this department that a vehicle pursuit shall be conducted with the visible signal of at least one flashing, oscillating or rotating red light, or a blue and red light, and also an audible signal by means of a siren or exhaust whistle activated on an authorized emergency vehicle (Wis. Stat. § 346.03(3)).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (Wis. Stat. § 346.03(5)).

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (Wis. Stat. § 346.03; Wis. Admin. Code § LES 3.07(1)(a)).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Wis. Stat. § 346.03(6)):

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

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- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape (Wis. Admin. Code § LES 3.07(1)(c)).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit. In the context of this

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policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known, and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- (h) When directed to terminate the pursuit by a Neillsville Police or a Clark County Sheriff's Office supervisor
- (i) When it is necessary to stop to render aid to an injured person, and no other officer is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle (Wis. Stat. § 346.03(6)).

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit.

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

307.4 PURSUIT UNITS

Pursuit units should be limited to three Neillsville Police vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

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An officer or supervisor may request additional Neillsville Police units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to arrest the suspect(s) safely.. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

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307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

307.4.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat. § 346.03(2)).
- (c) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (d) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an available air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect.
- (e) Notifying the Wisconsin State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian

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traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

307.4.6 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

307.5 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology. Induce-to-stop techniques are intended to induce, but not force, the fleeing driver to stop. These are techniques that make it difficult for a driver to continue to flee, but not entirely impossible. The techniques include:

- (a) Tire-deflation devices.
- (b) Channelization.
- (c) Moving roadblocks (boxing-in).
- (d) Roadblock with escape route.
- (e) Pursuit Intervention Technique (PIT).

Any force-to-stop technique is considered deadly force, and justification for an officer's use of deadly force is behavior that presents an imminent threat of death or great bodily harm to officers or others. Force-to-stop techniques give the driver only two options, surrender or crash. As a result, the courts consider force-to-stop techniques to be an application of deadly force. The techniques include:

- (a) Roadblock with no escape route.
- (b) Ramming.

307.5.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only if the officer has received proper training with supervisory approval.. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and persons in or on the pursued

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vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.5.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.5.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and are subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Tire-deflation devices:

1. Timing is critical, requiring good communication and coordination among officers.
2. When deploying tire-deflation devices, there should be adequate warning and sufficient distance to permit the suspect to stop before reaching the device.
3. Naturally, other traffic should be diverted to avoid innocent bystanders from driving over the device.
4. The tire-deflation device may be used in coordination with a roadblock (with an escape route).
5. Proper training is necessary in order for officers to use this technique.

(b) Channelization

(c) Roadblock with escape route:

1. The goal is to leave the driver with only one available route to travel, by blocking off alternatives.
2. The number of officers required depends on the number of alternative routes that must be blocked.
3. The same guidelines apply with respect to providing sufficient warning and adequate distance for the driver to avoid the blocked-off road and choose the preferred route. As with a roadblock with escape route, other traffic should be kept out of the area.

(d) Moving roadblock (boxing-in):

1. The suspect vehicle should be surrounded by three patrol units - one in front, one in back, and one to the side (just behind the driver door).

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2. Once in position, the vehicles gradually slow, bringing the suspect vehicle to a safe, gradual stop.
 3. Achieving and maintaining the formation requires careful communication, as does coordinating the slowing down.
 4. Because the actions of the suspect cannot be controlled, this is a high-risk maneuver. There is considerable potential for the technique to go wrong and result in a crash. If the suspect displays a weapon or if one is used in the suspect vehicle, the technique should not be used, or it should be aborted if officers are attempting to set up this technique.
- (e) Roadblock with escape route:
1. The roadblock should be set up on a straight, level stretch of roadway with adequate sight distance to give the suspect time to stop.
 2. If possible, other traffic should be diverted away from the location.
 3. Emergency lights must be turned on and visible, to warn the suspect (and any other motorists) of the roadblock in time to stop.
 4. The roadway can be blocked with law enforcement vehicles (with emergency lights on), traffic cones, flares, and/or other barricades.
 5. The escape route should be obvious.
- (f) Pursuit Intervention Technique (PIT):
1. The pursuing officer should position the patrol unit so that its front corner is next to the suspect vehicle's rear corner.
 2. The officer should match speed with the suspect, making gentle contact between the vehicles, and then steer the patrol unit into the suspect's vehicle.
 3. This maneuver should cause the suspect vehicle to spin, while the officer is able to maintain control of their patrol unit.
 4. PIT is a specific technical maneuver that requires officer certification and advanced practical training before use.
 5. Because the successful completion of the PIT maneuver can cause the suspect to lose control of their vehicle, officers must carefully choose the location for executing it. There should be no other traffic or pedestrians that could be put at risk. The pursuing officer must communicate with other officers their intent to execute the PIT maneuver and the intended location, so that they can clear the area and be ready to assist if the suspect surrenders, crashes, or continues to flee.
- (g) Roadblock with no escape route:
1. Other traffic shall be diverted or stopped before reaching the roadblock area.
 2. The roadblock shall be identified with emergency lighting to give warning.
 3. The suspect shall have adequate sight distance and time to stop if the suspect chooses to do so.

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4. Officers shall communicate to ensure that their actions are coordinated and officers are not put at risk.

307.5.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

307.6 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations (Wis. Stat. § 85.07(8)(b)).

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This memo should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit in distance and time
 3. Involved units and officers
 4. Initial reason and circumstances surrounding the pursuit
 5. Starting and termination points
 6. Alleged offense, charges filed, or disposition: arrest, citation, or other release
 7. Arrestee information should be provided if applicable
 8. Injuries and/or property damage
 9. Medical treatment
 10. The outcome of the pursuit
 11. Name of supervisor handling or at the scene
 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) At least annually, but no later than June 30th of every even-numbered year, the Chief of Police or the authorized designee shall direct a documented review and analysis of

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department vehicle pursuits to minimally include policy suitability, policy compliance, policy modification, and training needs (Wis. Stat. § 346.03(6)).

- (f) The Chief of Police shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/Department of Transportation. The report shall be filed no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):
1. The circumstances of the vehicle pursuit, including the distance, location, and maximum speed.
 2. The reasons for initiating the vehicle pursuit.
 3. The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

307.6.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will participate, no less than biennially, in at least four hours of training addressing this policy, pursuit guidelines, driving techniques, new technology and the importance of vehicle safety and protecting the public at all times. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. At least four hours of the training curriculum will be based on the model standards promulgated by the Law Enforcement Standards Board (LESB) and shall be delivered by a LESB-certified Emergency Vehicle Operations and Control (EVOC) instructor (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

307.6.2 POLICY REVIEW

Certified members of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments (Wis. Stat. § 346.03(6)).