



Fire and Police Commission

La Keisha W. Butler
Executive Director

Nelson Soler
Acting-Chair

Ann Wilson
Steven M. DeVougas
Fred Crouther
Angela McKenzie
Everett L. Cocroft
Commissioners

Memorandum

To: Director Regina Howard, MPD Office of Management and Planning

CC: Sergeant Mark Krowski
Dave Gelting, Research and Policy Analyst
Nelson Soler, Acting Chair

From: Director La Keisha W. Butler, Fire and Police Commission

Date: 4/25/19

RE: Policy Review: SOP 660 Vehicle Pursuits and Emergency Vehicle Operations

The Fire and Police Commission has completed our review of the above referenced department policy/procedure/instruction per FPC Rule IV, Section 3. The FPC Chair and Executive Director have determined that the above referenced department policy/procedure/instruction:

- Is administratively approved.
- Will be placed on the Regular FPC Meeting Agenda. Meeting Date: 5/2/19
- Is administratively denied.

If this policy will be placed on a regular FPC meeting agenda please provide our office with a suitably redacted version of the relevant documents for public distribution. Please contact our office if you have any questions.

Thank you,

La Keisha W. Butler
Digitally signed by La Keisha W. Butler
Date: 2019.04.25 14:47:25 -05'00'

La Keisha W. Butler, Executive Director



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

660 – VEHICLE PURSUITS AND EMERGENCY VEHICLE OPERATIONS

GENERAL ORDER: 2019-XX
ISSUED: January 11, 2019

EFFECTIVE: January 11, 2019

REVIEWED/APPROVED BY:
Director Regina Howard
DATE: December 18, 2019

ACTION: Amends General Order 2017-50 (September 22, 2017)

WILEAG STANDARD(S): 6.1.3, 6.1.4, 6.2.11

ROLL CALL VERSION

**Contains only changes to current policy.
For complete version of SOP, see SharePoint.**

660.10 STATUTORY GUIDELINES (WILEAG 6.1.3, 6.1.4)

E. Wis. Stat. § 346.04(3)

No operator of a vehicle, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or the traffic officer, or the law enforcement officer, other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

(WILEAG 6.1.4.2)

660.20 VEHICLE PURSUITS (WILEAG 6.1.4, 6.2.11)

K. SHIFT COMMANDER'S RESPONSIBILITIES

1. The shift commander shall notify the Criminal Investigation Bureau (CIB) REDACTED of a vehicle pursuit under the following circumstances:
 - a. When an occupant of the fleeing vehicle is taken into custody;
 - b. When a fleeing vehicle is recovered (regardless if any occupants are taken into custody); or
 - c. When a vehicle published on the Felony Vehicle Bulletin is pursued (regardless if the vehicle was recovered or if any occupants are taken into custody).
2. A CIB supervisor shall make the determination if a CIB response is required. The CIB supervisor shall consider available CIB resources, the nature of the pursuit, the type of offense the vehicle and/or occupants are involved in, the evidence recovered (e.g., firearms, large quantities of controlled substances), and the criminal history of the suspects taken into custody when making a determination on a CIB response.

L. LIMITATIONS ON EMERGENCY VEHICLE PURSUITS AND TACTICS

5. Direction (Wrong Way)

Police members shall not pursue suspects the wrong way on interstate or other controlled access highways or divided roadways highways unless specifically authorized by the field supervisor or higher authority.

M. VEHICLE PURSUIT REPORT REQUIRED

5. Reports shall be thoroughly completed and reviewed within ~~seventeen (17)~~ thirty (30) days following the date the incident occurred and then tracked to the Internal Affairs Division – Risk Management.

660.25 DECISION NOT TO PURSUE~~A. GENERAL GUIDELINES~~

- A. Vehicles that flee or otherwise attempt to elude officers shall not be pursued lacking the prerequisite knowledge or probable cause as outlined in section 660.20(C).

- B. In such instances where a stop is attempted, the vehicle continues, and a pursuit is not initiated, members shall do the following: ~~return to service after being verbally acknowledged by the emergency communications operator II that a non-pursuit has occurred. The member attempting the non-pursuit shall provide the emergency communications operator II with as much of the following information as possible so the non-pursuit can be thoroughly documented in CAD:~~

- ~~a. Address of the non-pursuit.~~
 - ~~b. Description of the vehicle including the vehicle color, year, make, model, style, license plate number and state.~~
 - ~~c. Reason for the non-pursuit.~~
 - ~~d. Number and description of occupants.~~
1. Immediately notify the emergency communications operator II of the non-pursuit circumstances, to include a detailed description of the vehicle, license plate number (if there is one), and description of the vehicle's driver if the member was able to observe the driver prior to flight;
 2. Report the circumstances of the event to a field supervisor who will confer with the member and provide further guidance as needed to commence an investigation;
 3. If there is a license plate number obtained and it is a valid plate (not reported stolen), the officer will commence a full investigation within 72 hours for the violation of Wis. Stat. § 346.175 (Vehicle Owner's Liability for Fleeing a Traffic Officer);

Note: If the vehicle does not have a license plate or the officer is unable to obtain any portion of the license plate, the officer shall notify the emergency communications operator II accordingly. TCD shall update the CAD code to "NPNP" (non-pursuit no plate) and the member does not need to complete the requirements listed below or file a report. Otherwise, TCD shall update the CAD code to "NP" (non-pursuit), which will auto generate a case number for the officer to file the non-pursuit incident report.

4. If the investigating officer is able to identify the driver of the vehicle, the applicable citation(s) will be issued to the driver (not the owner of the vehicle). If the driver is not identified, the member shall issue the owner's liability citation to the registered owner of the vehicle pursuant Wis. Stat. § 346.175 if all statutory requirements are met;
5. The investigating officer will utilize every available internal data base and other available records to identify and locate the owner of the vehicle;
6. If the investigation results in the identification of the driver, the investigating officer will issue the appropriate municipal citations, or when applicable, state criminal charges;
7. If the investigation results in the issuance of a citation to the owner of the vehicle it must be issued with 96 hours of the incident;
8. The investigating officer will make every effort to provide in-person service of an owner's liability citation, however, when not possible, the citation may be left at the owner's usual place of abode with a person age 14 or older, or as a last resort sent via certified mail to the owner's last known address (see statute for specific details); and
9. Officers shall document their investigation in a *Non-Pursuit Report* in TriTech Inform RMS.


ALFONSO MORALES
CHIEF OF POLICE



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

660 – VEHICLE PURSUITS AND EMERGENCY VEHICLE OPERATIONS

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WILEAG STANDARD(S): 6.1.3, 6.1.4, 6.2.11

660.00 PURPOSE

The purpose of this standard operating procedure is to establish guidelines with regard to vehicle pursuits and emergency vehicle operations.

660.05 POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons. There are no assignments or tasks of such importance that they justify the reckless disregard of the member's safety or the safety of other persons. Members must be mindful of the balance between achieving the goals of law enforcement while maintaining the public's safety.

660.10 STATUTORY GUIDELINES (WILEAG 6.1.3, 6.1.4)

- A. All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Police members engaged in emergency vehicle response shall simultaneously utilize both audible (siren) and visual (red/blue emergency light(s)) emergency warning equipment unless specifically exempted by statutes.
- B. For maximum visibility at intersections and to avoid injuries, if the only emergency light for an unmarked police squad is a red strobe light, it shall be used only on the roof of the squad. It shall not be used in the interior of the vehicle.
- C. Exemptions to the use of audible and visual emergency equipment are as follows:
 - 1. Wis. Stat. § 346.03(4)(a) Officers may exceed the speed limit without giving audible and visual signals when obtaining evidence of a speed violation.
 - 2. Wis. Stat. § 346.03(4)(b) Officers may exceed the speed limit without giving audible and visual signals when responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:
 - a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
 - b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.

- c. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.
- d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

D. Wis. Stat. § 346.03(5)

“The exemptions granted the operator of an authorized emergency vehicle by Wisconsin statute do not relieve such operator from the duty to drive or ride with due regard under the circumstances for the safety of all persons, nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.”

E. Wis. Stat. § 346.04(3)

No operator of a vehicle, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, shall knowingly flee or attempt to elude any officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, the traffic officer, the law enforcement officer, other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

(WILEAG 6.1.4.2)

F. Wis. Stat. § 346.03(6) and International Association of Chiefs of Police Model Policy Guidelines

1. Pursuit is authorized only if the officer has a reasonable belief that the suspect, if allowed to flee, would present a danger to human life or cause serious injury. In general, pursuits for minor violations are discouraged.
2. The decision to initiate a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
3. Unless a greater hazard would result, a pursuit should not be undertaken if the subject(s) can be identified with enough certainty that they can be apprehended at a later time.
4. In deciding whether to initiate or continue a pursuit, the officer shall take the following into consideration:
 - a. The seriousness of the offense;

- b. Necessity of pursuit by vehicle;
- c. Known information on the suspect;
- d. Road conditions and configuration (e.g. interstate, divided highway, work zone);
- e. Physical location and population density (e.g. residential area, school zone, business district);
- f. Existence of vehicular and pedestrian traffic;
- g. Lighting and visibility;
- h. Weather and environmental conditions;
- i. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
- j. Officer training and experience;
- k. Available equipment;
- l. Speed and evasive tactics employed by the suspect;
- m. The presence of other persons in the police and suspect vehicle; and
- n. Any other condition or situation that would create an unreasonable risk.

660.15 DEFINITIONS (WILEAG 6.1.4)

A. VEHICLE PURSUIT

1. Eluding / Fleeing

An active attempt by one or more law enforcement officers to apprehend a suspect who is either an occupant of or operating a motor vehicle, during which time the operator of the motor vehicle is attempting to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, or making sudden or unexpected maneuvers.

2. Refusal to Stop

An active attempt by one or more law enforcement officers to stop a motor vehicle by use of emergency lights and siren, during which time the operator of the motor vehicle is driving at a reasonable speed (e.g., at or below the established speed limit), but willfully refusing to pull over and stop.

B. PRIMARY PURSUING UNIT

The police unit that initiates a pursuit or any unit that actively assumes control of a pursuit by placing their vehicle in a "primary unit position" in relation to the suspect vehicle.

C. SECONDARY PURSUING UNIT

The police unit that actively participates in a pursuit and is positioned behind the primary unit. A vehicle will only be considered a "secondary unit" once acknowledged by the emergency communications operator II as such. Additional secondary units may be approved by a supervisory officer.

D. PROBABLE CAUSE

Probable cause is the quantum of evidence which would lead a reasonable police officer to believe that the defendant committed a crime. It is more than a hunch or suspicion, but less than the evidence required to convict at trial.

E. DUE REGARD

Due regard is the degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would show. There is no exception to the requirement that officer's demonstrate due regard for the safety of others. Failing to drive with due regard may subject a police member to civil and/or criminal liability in addition to other administrative consequences.

(WILEAG 6.1.4.2)

F. RECKLESS DRIVING (Wis. Stat. § 346.62(2) and 939.25)

No person may endanger the safety of any person or property by the negligent operation of a vehicle. Criminal negligence means the creation of a substantial and unreasonable risk of death or great bodily harm to another, of which the actor should be aware.

660.20 VEHICLE PURSUITS (WILEAG 6.1.4, 6.2.11)

- A. Police members are empowered to disregard certain traffic laws when they are attempting to apprehend actors for a violation of the law. It is imperative that police members do so in a safe manner and the necessity of apprehending the offender outweighs the risks of the pursuit. Wis. Stat. § 346.03 explicitly states the statutory requirements for vehicle pursuits.
- B. Justification for engaging in a vehicle pursuit must be based on facts known by the police member when the decision is made to engage in a pursuit. Information not established as fact at the time the pursuit was initiated cannot be considered later in determining whether the pursuit was justified. In all instances of vehicle pursuits, the initiating officer must be able to clearly articulate the reason(s) why a pursuit was initiated.
- C. Vehicle pursuits are justified when the police member knows or has probable cause to believe:
 - 1. The occupant(s) has committed, is committing, or is about to commit a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or
 - 2. The specific vehicle was used in or taken during the attempt or commission of a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or
 - 3. The vehicle or occupant(s) present a clear and immediate threat to the safety of

others and therefore the necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit (e.g., misdemeanor shots fired incident in which a specific vehicle is described as being involved); or

4. The occupant(s) of the vehicle are engaged in drug dealing proximate in time to the initiation of the vehicle pursuit.
5. The necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit, as in the case of the vehicle engaging in reckless driving.
6. A “refusal to stop” pursuit, as previously defined within this policy, may be initiated and maintained for a lesser offense than described above.
(WILEAG 6.1.4.2)

D. DECISION TO INITIATE VEHICLE PURSUITS

1. The decision to initiate a vehicle pursuit, which is limited by this policy, rests in the sole discretion of the individual police member. In order to diminish the likelihood of a pursuit, police members intending to stop a vehicle should, when practical, be within close proximity to the vehicle prior to activating the emergency lights and siren.
2. During the course of enforcement activities, incidents may escalate to a “refusal to stop” pursuit or to an “eluding / fleeing” pursuit. In either instance, vehicle pursuit policy and procedures apply.
(WILEAG 6.1.4.2)

E. PURSUIT PROCEDURES

1. The police member initiating a pursuit shall notify the Technical Communications Division as soon as reasonably possible that a pursuit is underway and provide the following information:
 - a. Police unit identification
 - b. Location, speed, and direction of travel
 - c. Reason for the pursuit
 - d. Pursued vehicle description, including license number, if known
 - e. Number of occupants
 - f. Road conditions
 - g. Traffic density
2. Failure to provide the above information may be cause for the field supervisor to order termination of the pursuit. Police members involved in pursuits shall take necessary steps (e.g., roll windows up, operate the siren on “automatic”) to ensure the emergency communications operator II understands their radio transmissions.
3. Police members shall, as often as practicable, provide updated information to the emergency communications operator II, such as the speed and direction of the suspect vehicle and the police vehicle, traffic density, and any other pertinent

information.

4. A field supervisor or higher authority must acknowledge that he/she is aware of and monitoring the pursuit as soon as practicable after a pursuit is initiated.
5. If a supervisor fails to acknowledge the pursuit within a reasonable period of time after initiation, as determined by the Technical Communications Division supervisor, he/she shall terminate the pursuit.
6. The primary unit shall bear operational responsibility for the pursuit unless relieved by a supervisor.
7. No pursuits may be undertaken by a civilian operator or by a department vehicle containing a citizen occupant, including but not limited to, arrestees, victims, witnesses, or civilian department members.
8. Unmarked police vehicles (provided the vehicle is equipped with emergency light(s) and siren) may initiate a vehicle pursuit. Whenever a marked vehicle becomes available to take over the pursuit as the primary unit, the unmarked vehicle shall withdraw from active pursuit.

Note: Only police members in marked police vehicles are authorized to charge persons with violations of Wis. Stat. § 346.04(3) of the Wisconsin Vehicle Code (Fleeing or Attempting to Elude Police Officer).

9. Police motorcycles may participate in a vehicle pursuit only until a marked vehicle becomes available to take over the pursuit as the primary unit. The motorcycle shall then withdraw from active pursuit.
10. Seat belts shall be worn at all times, except when doing so would endanger the safety of the operator or another, or when he/she has provided medical certification that he/she is unable to do so.
(WILEAG 6.1.4.1, 6.1.4.2, 6.1.4.3)

F. DECISION TO CONTINUE PURSUIT

1. The authority of the primary unit to continue the pursuit is, at all times, subordinate to the command of:
 - a. The field inspector, if on duty.
 - b. His/her immediate district/division commander.
 - c. His/her immediate shift commander.
 - d. His/her immediate field supervisor.
 - e. The field supervisor assigned by Technical Communications Division in the event there is no district field supervisor available from the primary unit's district or division. The Technical Communications Division shall assign the most readily available field supervisor to monitor and supervise the vehicle pursuit.
 - f. Any supervisor of a higher rank.

2. The primary unit may maintain pursuit as long as it is safe to do so; until the primary unit determines to terminate the pursuit; until directed to terminate the pursuit by a supervisor; or until the suspect vehicle is stopped.

G. DECISION TO TERMINATE THE PURSUIT

1. Police members who are engaged in a pursuit, and the field supervisor must continually evaluate the risk assessment criteria and determine whether the seriousness of the incident justifies continuing the pursuit.
2. When a decision is made to terminate a pursuit, police members shall:
 - a. Immediately pull over, turn off their emergency lights and siren, radio their position to the emergency communications operator II, and verbally acknowledge the order to terminate the pursuit.
 - b. No longer follow the suspect vehicle, nor may they violate any traffic laws in an effort to catch up to, or parallel the suspect vehicle.
 - c. Remain at the termination point for the responding field supervisor so that a debrief may occur and the field supervisor can collect the necessary information in order to complete a pursuit report.
3. A vehicle pursuit shall be terminated by the pursuing police member or supervisor under any of the following circumstances:
 - a. If the reason(s) for the pursuit do not meet the established criteria in section 660.20 of this policy.
 - b. If the suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any exigent need for immediate apprehension.
 - c. If the prevailing traffic, roadway, or environmental conditions so enhance the risk involved in continuing the pursuit that termination is warranted.
 - d. If the pursued vehicle's location is no longer known or the distance between the police member and suspect is such that, in order to continue the pursuit, it would require exceptional speeds that would place the police member and public in serious danger.
 - e. If the pursuing police member knows that the fleeing vehicle is being operated by a juvenile who is driving in such an unsafe manner that it is obvious the juvenile does not have the maturity to deal with the danger involved.
 - f. If the pursuing police member's vehicle or emergency equipment malfunctions.
 - g. If it is necessary to stop and render aid to one or more injured persons and no other unit is available to do so.

- h. If directed to terminate the pursuit by a member of higher rank.
(WILEAG 6.1.4.5)

H. SECONDARY UNIT RESPONSIBILITY

1. Assistance will be coordinated by the Technical Communications Division. The field supervisor and primary unit will be advised of the identity and location of the secondary unit(s) who can assist.
2. The active pursuit will normally involve no more than two units, the primary unit and one secondary unit. If more assistance is specifically requested, the amount will be determined by:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. Whether the participating units have more than one officer.
 - d. Other clear and articulated facts that would warrant the increased number of units.
3. A supervisor may authorize more than two units to be in active pursuit. All other available units shall remain aware of the direction and progress of the pursuit but shall not actively participate, and shall not respond to or parallel the pursuit on adjacent streets unless specifically authorized to do so.
4. The secondary unit, upon joining the pursuit, shall as soon as practicable notify the Technical Communications Division of its identity. If the primary unit is a one-officer unit, the secondary unit should assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
5. The secondary unit(s) shall maintain a safe distance behind the primary unit, but be close enough to render backup assistance if required.
6. The secondary unit(s) shall avoid intersecting the path of a high-speed vehicle.
7. If the primary unit becomes disabled, the secondary unit shall become the primary unit. The Technical Communications Division shall advise the field supervisor and other approved units that a new secondary unit is needed and the next unit to join the pursuit will be designated the secondary unit.
(WILEAG 6.1.4.2)

I. TECHNICAL COMMUNICATIONS DIVISION RESPONSIBILITIES

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Notify the field supervisor of the pursuing police member that a pursuit has been initiated.
3. Patch the pursuit channel to the "Sheriff's F-2" talk group to facilitate communications with other jurisdictions.

4. Clear the pursuit channel of any unnecessary traffic and broadcast "ATTENTION ALL UNITS, MILWAUKEE POLICE SQUAD # ___ IS IN PURSUIT." The emergency communications operator II shall then broadcast the following information:
 - a. Location, speed, and direction of travel.
 - b. Description of vehicle and occupants.
 - c. Reason for the pursuit.
 - d. Identity of primary unit, secondary unit, and additional squads, if authorized.
5. Control all radio communications during the pursuit.
6. Coordinate assistance under the direction of the field supervisor or higher authority, if applicable.
7. Continue to monitor the pursuit until it has been terminated.
8. Dispatch a supervisor to the termination point of the pursuit if one has not responded.
9. Notify neighboring agencies, if applicable.
(WILEAG 6.1.4.6)
10. Notify adjoining district (if not on same radio frequency) if chase is nearing or entering that district.
11. Notify the command and management staff via "CityWatch" of all pursuits that exceed five minutes in length. Additional "CityWatch" updates shall be sent every 5 minutes until the pursuit has been terminated.
(WILEAG 6.1.4.2)

J. FIELD SUPERVISOR'S RESPONSIBILITIES

1. The primary responsibility of the field supervisor is to direct the primary and secondary unit(s) in a pursuit and, most importantly, in the decision whether or not to terminate the pursuit.
2. The field supervisor shall assess the necessity of the pursuit in progress, using the considerations regarding continuation of the pursuit, and should give strong and continuing consideration to terminating the pursuit, if, in his/her judgment, the necessity of apprehension is outweighed by the level of danger. Upon being notified of the pursuit, the field supervisor shall verify the following:
 - a. That no more than the required or necessary units are involved in the pursuit.
 - b. That the proper radio frequency is being used.
3. The field supervisor shall continue to direct the pursuit, approve, or order those alternative tactics that he/she is authorized to approve, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or

secondary unit, the field supervisor should order termination of the pursuit.

4. The assigned field supervisor shall immediately proceed to the termination point to provide guidance and necessary supervision. The supervisor shall then complete a *Vehicle Pursuit Report*, via the AIM system, regardless of how the pursuit was terminated.
(WILEAG 6.1.4.1, 6.1.4.2)

K. SHIFT COMMANDER'S RESPONSIBILITIES

1. The shift commander shall notify the Criminal Investigation Bureau (CIB) ■
REDACTED of a vehicle pursuit under the following circumstances:
 - a. When an occupant of the fleeing vehicle is taken into custody;
 - b. When a fleeing vehicle is recovered (regardless if any occupants are taken into custody); or
 - c. When a vehicle published on the Felony Vehicle Bulletin is pursued (regardless if the vehicle was recovered or if any occupants are taken into custody).
2. A CIB supervisor shall make the determination if a CIB response is required. The CIB supervisor shall consider available CIB resources, the nature of the pursuit, the type of offense the vehicle and/or occupants are involved in, the evidence recovered (e.g., firearms, large quantities of controlled substances), and the criminal history of the suspects taken into custody when making a determination on a CIB response.

L. LIMITATIONS ON EMERGENCY VEHICLE PURSUITS AND TACTICS

1. Police Vehicle Speed

Pursuing members must at all times recognize the threat to the general public represented by a high-speed pursuit. The suspect vehicle's speed does not automatically justify a police member matching that speed.

The pursuing member(s) and field supervisor shall consider the established risk assessment criteria, giving preeminent consideration to the danger created by continuing the pursuit. This applies to all units engaged in or responding to the pursuit.

2. Intervention Options

In the course of a vehicle pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, driving alongside the pursued vehicle while it is in motion, or the use of roadblocks is prohibited.

Note: Members who have been trained in the administration of stationary vehicle containment, vehicle assault techniques, and stationary

vehicle blocking maneuvers may only employ these tactics as trained if they are currently assigned to or supervise a division, unit, or task force within the CIB that has been authorized by the assistant chief or inspector of the CIB to employ these tactics.

(WILEAG 6.1.4.4, 6.2.11.3)

3. Passing

Passing of field units involved in the pursuit is prohibited unless the operator of the passing vehicle receives specific permission from the primary unit or the field supervisor.

4. Distance

Spacing, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall be at a distance that will allow for proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

5. Direction (Wrong Way)

Police members shall not pursue suspects the wrong way on interstate or other controlled access highways or divided highways unless specifically authorized by the field supervisor or higher authority.

6. Suspect's Driving

Reckless or hazardous driving maneuvers by the suspect vehicle shall not be duplicated by any pursuing vehicle.

M. VEHICLE PURSUIT REPORT REQUIRED

1. The pursuit report shall be completed by a supervisory officer of a higher rank than the member(s) engaged in the pursuit, except for supervisors assigned to the Internal Affairs Division – Risk Management who can investigate and complete a *Vehicle Pursuit Report* for any department member.
2. The supervisor responsible for filing a *Vehicle Pursuit Report* shall obtain a number in the AIM system prior to securing from duty on the date in which the incident occurred. The member(s) and subject(s) names, date, time and location of the incident shall also be entered on the same date the number was generated.
3. *Vehicle Pursuit Reports* are to be completed and tracked to the appropriate supervisor/shift commander within 3 days of the incident.
4. Each subsequent review by the shift commander/commanding officer shall be completed and tracked.
5. Reports shall be thoroughly completed and reviewed within thirty (30) days following the date the incident occurred and then tracked to the Internal Affairs Division – Risk

Management.

6. Internal Affairs Division – Risk Management shall review the reports within fourteen (14) days following the receipt from the commanding officer of the work location.

N. COMMANDING OFFICER'S REVIEW AND RECOMMENDATION

1. The member's commanding officer shall review the AIM System *Vehicle Pursuit Report* and enter a recommendation under "Incident Tracking". These reports shall be forwarded through "Incident Tracking" and general information "Status" directly to the appropriate supervisor of the Internal Affairs Division – Risk Management.
2. If there are serious injuries requiring admission to a hospital or if death occurs as a result of a pursuit, the commanding officer shall also forward the reports via the AIM system to their respective bureau commander. Commanding officers may forward pursuit reports to their bureau commander at any other time they believe notification is warranted.

O. VEHICLE PURSUIT REPORT REQUIRED FOR CRITICAL INCIDENTS

A lieutenant from the Homicide Division will determine if the *Vehicle Pursuit Report* related to a critical incident will be filed by a Homicide Division supervisor or a district/division supervisor.

(WILEAG 6.1.4.7)

660.25 DECISION NOT TO PURSUE

- A. Vehicles that flee or otherwise attempt to elude officers shall not be pursued lacking the prerequisite knowledge or probable cause as outlined in section 660.20(C).
- B. In such instances where a stop is attempted, the vehicle continues, and a pursuit is not initiated, members shall do the following:
 1. Immediately notify the emergency communications operator II of the non-pursuit circumstances, to include a detailed description of the vehicle, license plate number (if there is one), and description of the vehicle's driver if the member was able to observe the driver prior to flight;
 2. Report the circumstances of the event to a field supervisor who will confer with the member and provide further guidance as needed to commence an investigation;
 3. If there is a license plate number obtained and it is a valid plate (not reported stolen), the officer will commence a full investigation within 72 hours for the violation of Wis. Stat. § 346.175 (Vehicle Owner's Liability for Fleeing a Traffic Officer);

Note: If the vehicle does not have a license plate or the officer is unable to obtain any portion of the license plate, the officer shall notify the emergency communications operator II accordingly. TCD shall update

the CAD code to “NPNP” (non-pursuit no plate) and the member does not need to complete the requirements listed below or file a report. Otherwise, TCD shall update the CAD code to “NP” (non-pursuit), which will auto generate a case number for the officer to file the non-pursuit incident report.

4. If the investigating officer is able to identify the driver of the vehicle, the applicable citation(s) will be issued to the driver (not the owner of the vehicle). If the driver is not identified, the member shall issue the owner’s liability citation to the registered owner of the vehicle pursuant Wis. Stat. § 346.175 if all statutory requirements are met;
 5. The investigating officer will utilize every available internal data base and other available records to identify and locate the owner of the vehicle;
 6. If the investigation results in the identification of the driver, the investigating officer will issue the appropriate municipal citations, or when applicable, state criminal charges;
 7. If the investigation results in the issuance of a citation to the owner of the vehicle it must be issued with 96 hours of the incident;
 8. The investigating officer will make every effort to provide in-person service of an owner’s liability citation, however, when not possible, the citation may be left at the owner’s usual place of abode with a person age 14 or older, or as a last resort sent via certified mail to the owner’s last known address (see statute for specific details); and
 9. Officers shall document their investigation in a *Non-Pursuit Report* in TriTech Inform RMS.
- C. The Administration Bureau shall be responsible for conducting random audits of recordings made regarding non-pursuits by utilizing the DP3 In-Car Video Portal System at the discretion of the commanding officer of the Administration Bureau or the Chief of Police.

660.30 INTER-JURISDICTION VEHICLE PURSUITS (WILEAG 6.1.4)

A. PURPOSE

The purpose of this section is to establish guidelines for radio communications when it appears a Milwaukee Police Department (MPD) vehicle pursuit is approaching another jurisdiction or when an outside agency vehicle pursuit is approaching the city of Milwaukee.

B. GENERAL COMMUNICATIONS GUIDELINES

1. The Milwaukee County Sheriff Department (MCSD) has authorized the use of “Sheriff’s F-2” on the Milwaukee County 800 MHz radio system as the

- communication frequency to be used during a vehicle pursuit that is likely to enter or has entered another jurisdiction.
2. Dispatching and the management of the incident shall remain the responsibility of the initiating agency, unless another jurisdiction has taken over the pursuit.
 3. The MCSD Dispatch Center's responsibilities during a pursuit initiated by another agency will generally be limited to restricting the use of "Sheriffs F-2" by other users.
 4. As soon as possible after the termination of the active pursuit stage, the use of "Sheriffs F-2" should conclude. Mobile units should return to their primary frequency, talk group channels, or one of the four countywide mutual aid talk groups.
 5. When "Sheriffs F-2" is being used for a pursuit, the primary contact point for initial inter-agency communications automatically switches to "County 1".
 6. When involved in an inter-agency pursuit, police members shall begin each transmission with their agency name.
(WILEAG 6.1.4.6)

C. MPD VEHICLE PURSUIT ENTERING ANOTHER JURISDICTION

1. Should a MPD vehicle pursuit cross the city of Milwaukee boundary and enter into another jurisdiction, the primary and secondary unit(s), the managing supervisor, and the field inspector, if on-duty, are authorized to leave the city and continue the pursuit.
2. The Technical Communications Division shall initiate the "Sheriff's F-2" patch to initiate interoperable communications.
3. The pursuing police member shall begin radio transmissions with MILWAUKEE POLICE SQUAD # ___ and continue to broadcast the pursuit information as necessary with regard to changes in location, speed, direction of travel, and the reason(s) for the pursuit.
4. If the pursuit appears to be proceeding into another jurisdiction that is unaware of the pursuit, the Technical Communications Division shall contact the appropriate jurisdiction by telephone and notify them of the pursuit.
5. The MPD supervisor shall, at all times, remain in command of MPD personnel if the pursuit enters another jurisdiction. Supervisors from other agencies are responsible for their personnel and for following their individual agency's policies and procedures.
6. If, during the pursuit, the primary and secondary roles are relinquished to another jurisdiction, operational command of the pursuit shall also be turned over to a supervisor of that jurisdiction.

(WILEAG 6.1.4.6)

D. OUTSIDE AGENCY VEHICLE PURSUIT ENTERING THE CITY OF MILWAUKEE

1. Should another agency's vehicle pursuit enter into the city of Milwaukee, department members shall not actively engage in the pursuit unless the initiating agency requests our assistance. If assistance is requested, MPD supervisors shall have the final authority over the involvement, if any, of MPD members in outside agency pursuits. MPD members must have supervisory approval to actively participate in an outside agency vehicle pursuit occurring in the city of Milwaukee. Active participation in another jurisdiction's pursuit, whether as a primary or secondary unit, must be justified based upon the department's established pursuit guidelines (see section 660.20).
2. The Technical Communications Division will patch the pursuit channel/talk group to the "Sheriff's F2" talk group to facilitate communications with the outside agency and the MPD.
3. Police members shall monitor the location of the pursuit and assist with traffic control along the path of an outside agency pursuit in order to promote public safety. In addition, police members shall provide assistance at the point of termination, to include suspect apprehension, accident investigation, perimeter containment, area searches, etc.
4. MPD supervisors may, at any time, withdraw MPD members from participation in a pursuit initiated by another jurisdiction.
(WILEAG 6.1.4.6)

E. COORDINATION AND REPORTING

1. Supervisory personnel from pursuing and assisting agencies shall coordinate the post-pursuit details and reporting.
2. It is the responsibility of the initiating agency to report any inter-agency pursuit to the Wisconsin Department of Transportation (State Patrol) no later than August 15 of each year, per Wis. Stat. § 85.07(8)(b).
(WILEAG 6.1.4.7)

660.35 EMERGENCY OPERATION PROCEDURES (WILEAG 6.1.3)

A. EMERGENCY DRIVING GUIDELINES

1. Department members shall consider the following factors when engaged in emergency operation of a department vehicle and responding to assignments of an emergency nature including, but not limited to:
 - a. The volume, type, speed and direction of the traffic.
 - b. The nature of the area, whether residential, commercial, school zone, open highway, etc.

- c. The population density.
 - d. The weather and road conditions, e.g., the width and curves of the roadway, stopping and sight distances.
 - e. The police member's driving skills and condition of the police vehicle.
 - f. The incident/offense severity.
2. Department members shall exercise due regard for the safety of all persons when engaged in emergency operation of a department vehicle and responding to assignments of an emergency nature.

B. EMERGENCY CALL RESPONSE MODES

Police members shall use emergency warning equipment in accordance with applicable statutes.

1. Technical Communications Division personnel assigning police members to respond to calls for assistance may, in addition to providing all other pertinent information, designate the response mode to notify the assigned police member of the seriousness of the situation.
2. The district commanding officer or field inspector may override the direction of Technical Communications Division personnel and order a police member to use a different response mode if deemed to be necessary under the circumstances.

C. REQUESTS FOR ADDITIONAL PATROL UNITS

1. When a police member in the field is involved in any situation where help is needed, they must be aware that a nonspecific request will result in an uncoordinated response. This may result in a greater hazard to life and property than the originating incident. This hazard may be minimized when possible by giving the following information:
 - a. Unit number.
 - b. Exact location.
 - c. Reason for the request.
 - d. Specify "emergency" if required (10-17).
 - e. Specify "backup" if required.
 - f. Number of units required to handle the situation.
 - g. Safe entry route.
 - h. Description of suspects and direction of travel.
2. The police member making the request shall remain near the radio long enough to determine if the call has been received by the Technical Communications Division. Additionally, the police member shall establish a radio command post as soon as possible to provide status reports, coordinate the efforts of arriving units, and confirm that adequate assistance actually arrives.
3. All responding units shall identify themselves to the emergency communications operator II.

4. Primary response units shall proceed to the designated location/command post in accordance with the response mode specified. They shall give the Technical Communications Division an estimated time of arrival based on distance, traffic, and weather conditions.
5. Primary response units shall immediately notify the Technical Communications Division upon arrival at the scene and provide a status report as soon as possible.
6. Upon receipt of a termination notice, responding units shall discontinue emergency operation and return to their assigned area unless specifically requested to continue to the location under normal driving conditions.

D. TECHNICAL COMMUNICATIONS DIVISION RESPONSIBILITIES

1. Receive and record all incoming information on the call for assistance.
2. Dispatch appropriate field personnel and notify the field supervisor of action taken.
3. Control all radio communications during the emergency.
4. Coordinate assistance under the direction of the field supervisor.
5. Continue to monitor the situation until it has stabilized or terminated.

E. SUPERVISORY RESPONSIBILITIES

1. The field supervisor, upon notification of a request for emergency assistance, shall note the classification/designation assigned by the Technical Communications Division, and shall change the directed response mode if a different response mode is called for.
2. The field supervisor shall monitor the response until it has stabilized or terminated and assert control by directing specific units into or out of the response if necessary.
3. Upon being notified that an emergency response has been initiated, the field supervisor shall verify the following:
 - a. Proper response classification has been made.
 - b. No more than the required number of units is involved in the response.
 - c. The shift commander and affected allied agencies are being notified.

660.40 ROUTINE NON-EMERGENCY CALLS (WILEAG 6.1.3)

Department members shall operate department vehicles in a safe manner, complying with applicable traffic laws when responding to calls for service of a non-emergency nature. Operators of department vehicles shall operate vehicles in a courteous manner even

though prompt response is required for routine non-emergency calls for service.



ALFONSO MORALES
CHIEF OF POLICE

AM:mfk