

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 deputies 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 deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where agency policy would permit the initiation or continuation of the pursuit. 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.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. A pursuit is a following action at a reasonable distance. Deputies conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy 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:

Vehicle pursuit - An event involving one or more deputies 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, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's signal to stop (Wis. Stat. § 85.07(8)(a)).

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Complete roadblock - The use of one or more police vehicles or other obstructions to block a roadway so that any vehicle approaching the roadblock will be forced to stop or crash.

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Controlled deflation device - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

Paralleling - Replicating the speed and direction of a pursuit on contiguous roadways.

Partial roadblock - The placement of an object or objects on the roadway in a way that impedes or alters the normal flow of traffic to induce a fleeing vehicle to stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

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.

Trailing - When a deputy follows the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment.

307.3 DEPUTY RESPONSIBILITIES

It is the policy of this agency 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 deputies 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

Deputies 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 offense and its relationship to community safety. Absent reasonable suspicion to the contrary; fleeing offenders should be treated as a traffic violator only.
- (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 deputies, innocent motorists and others.
- (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.

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- (f) The pursuing deputy'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 deputies 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.
- (l) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies.

A deputy shall not engage in a pursuit when:

- (a) A prisoner is in the vehicle.
- (b) Any non-sworn passenger has not signed a waiver.
- (c) The deputy is operating a motorcycle.
- (d) He/she is operating the wrong way on a freeway, interstate, or highway, or on any divided roadway.

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 deputy 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)).

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 deputies 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 deputy's unfamiliarity with the immediate area or the direction of travel.
- (c) The pursued vehicle's location is no longer definitely known.
- (d) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive. The communication equipment fails or is out of range and it is unsafe to continue the pursuit.
- (e) 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)).
- (f) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

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- (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, deputies 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 supervisor.
- (i) When it is necessary to stop to render aid to an injured person and no other deputy is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

When a deputy determines he/she shall terminate a pursuit or when ordered to terminate a pursuit by a supervisor, the deputy shall:

- (a) Notify Milwaukee County 911 Communications Division of the decision to terminate and the location.
- (b) Reduce his/her speed to the posted limit.
- (c) Turn off all emergency equipment.
- (d) Pull over and stop briefly. This is to make it clear to the public that there is no longer a pursuit.
- (e) Continue along the suspect's last known direction of travel to check for any crashes or other incidents.

307.4 PURSUIT UNITS

Pursuit units should be limited to four vehicles. A supervisor may approve of the use of additional squads if special circumstances dictate.

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.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy 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 unit should notify Milwaukee County 911 Communications Division, 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.

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- (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.

The primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second deputy 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 deputy, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.4.4 TACTICS FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route.

A supervisor may authorize a deputy to trail a pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this agency that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this agency.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved deputies and Milwaukee County 911 Communications Division of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established agency guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

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- (g) Control and manage MCSO units when a pursuit enters another jurisdiction.
- (h) Preparing a post-pursuit critique and analysis of the pursuit.
- (i) Review all pertinent reports for content and forward them to the Divisional Commander.

307.6 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the designated pursuit channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this agency or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Milwaukee County Sheriff's Office deputies will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Milwaukee County Sheriff's Office is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit should proceed to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit that was initiated by this agency shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The Milwaukee County Sheriff's Office participation in another jurisdiction's pursuit is appropriate only in response to a specific request for participation. Mere notification of the existence of a pursuit shall not be construed as a request for participation. The Milwaukee County 911 Communications Division, upon notification, shall clarify the question of whether this agency is being requested to assist in the pursuit.

If another jurisdiction's pursuit is observed and this agency has not been notified, the observing deputy shall notify Milwaukee County 911 Communications Division, take up the rear position, and render assistance as needed.

Assistance to a pursuing outside agency by deputies of this agency will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this agency may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to peace officers from the initiating and other involved agencies including, but not limited to, scene

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control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 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, tire deflation devices, boxing-in, PIT, ramming or roadblock procedures.

307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics may require supervisor approval, unless exigent circumstances exist. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

307.8.2 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. Deputies 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 deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, 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. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to deputies, the public and occupants of the pursued vehicle. This tactic shall only be used if the suspect vehicle is traveling 35 miles per hour or less. If the vehicle is traveling faster than 35 miles per hour, this tactic will be considered deadly force.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the criteria for deadly force must exist.
- (c) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

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- (d) Tire deflation devices should be deployed according to training and procedure. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. The suspect vehicle shall be taken into consideration when determining if tire deflation devices are appropriate. Tire deflation devices shall not be used on a motorcycle.
- (e) The use of roadblocks shall be considered deadly force. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

307.8.4 CAPTURE OF SUSPECTS

Deputies should use the trained high-risk stop tactics to take the vehicle occupants into custody.

307.9 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 deputy shall complete appropriate crime/arrest reports.
- (b) The primary deputy or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall make proper notifications as described in the Major Incident Notification Policy.
- (d) After receiving copies of reports, logs and other pertinent information, the Sheriff 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 Sheriff or the authorized designee shall direct a documented review and analysis of agency vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).
- (f) The supervisor reviewing a pursuit report shall ensure the report is submitted to Wisconsin State Patrol/Department of Transportation (Wis. Stat. § 85.07(8)(b)).

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will complete Law Enforcement Standards Board (LESB) training (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)).