

# VEHICLE PURSUITS

2/130.00

## I. PURPOSE

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.

## II. POLICY

Vehicular pursuit of fleeing suspects can present danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the Franklin Police Department to assist officers in the safe performance of their duties. To fulfill these obligations, it will be the policy of the Franklin Police Department to regulate the way vehicular pursuits are undertaken and performed.

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 officer 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 department 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.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during 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.

## III. DEFINITIONS

- A. Authorized Emergency Vehicle- An agency vehicle equipped with operable emergency equipment as designated by state law.
- B. Deadly Force – The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- C. Due Regard–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 officers must show due regard for others' safety. Failing to drive with due regard may subject a police member to civil and/or criminal liability in addition to other administrative consequences
- D. Pinning a Vehicle–Utilizing a department vehicle to make physical contact with another vehicle with the intent of restricting its movement without causing significant damage.
- E. Primary Unit- The authorized emergency vehicle that initiates a pursuit or any authorized emergency vehicle from this or another police department that assumes control of the pursuit.
- F. Pursuit Control –The law enforcement agency that manages and supervises the actual pursuing units. The agency with pursuit control is generally the agency whose unit is in the primary position.
- G. Pursuit Intervention Technique (PIT) – The Pursuit Intervention Technique is a trained tactic that involves the controlled contact of a police vehicle with the pursued vehicle. It is intended to cause the pursued vehicle to spin out, impeding further progress and ending the pursuit.
- H. Ramming a Vehicle–Involves the pursuing officer using his or her vehicle to attempt to disable the suspect vehicle and prevent its further operation. When a moving vehicle rams another, the results are unpredictable and involve a high likelihood of injury or death to those involved, including officers. Even though ramming is not a trained technique, it may be justified as a last resort under extreme circumstances. **It should only be used if it meets the justification for deadly force.**

# VEHICLE PURSUITS

2/130.00

- I. Roadblocks—Obstructing the path of a pursued vehicle in an attempt to slow or stop it by use of barricades, marked police vehicles, or tire deflation devices. Partial roadblocks can be utilized when authorized but must allow a lane of travel for the suspect vehicle. Total roadblocks shall only be utilized when deadly force is justified.
- J. Secondary Unit—Any authorized emergency vehicle from this or another police department that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- K. Tire Deflation Devices— These devices are used to reduce the risk of injury to civilians and officers by deflating the tires of a target vehicle. Officers shall only utilize these devices when they have a reasonable amount of time to deploy the system and remove themselves to a safe distance or adequate cover. Tire Deflation Devices used in pursuits that involve motorcycles constitute deadly force and may only be used when the force is justifiable, as outlined in the department's use of force policy.
- L. Vehicular Pursuit—An event involving one or more police 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, 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)).

## IV. PROCEDURES

### A. Initiation of Pursuit

- 1. Any law enforcement officer in an authorized emergency vehicle has the authority, if reasonable, to initiate a vehicle pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so.
- 2. Personnel shall not initiate or actively participate in a pursuit or associated high-risk traffic stop with civilian personnel or ride-along in the authorized emergency vehicle. This includes dispatchers, members of the Police Auxiliary Unit, college interns, or any other civilians approved for a ride-along.
- 3. When engaged in a pursuit, officers shall drive with due regard and in strict conformity with applicable traffic laws and regulations.
- 4. Upon engaging in a pursuit, the pursuing officer shall activate the unit's emergency lights and siren. Both the emergency lights and siren shall remain activated during the entire pursuit.
- 5. Officers operating a police motorcycle shall not initiate or join in any pursuit. Officers operating a police motorcycle will consider the lack of protection a motorcycle may provide when deciding if and what type of support to provide to pursuing units.
- 6. Upon engaging in a pursuit, the officer shall advise our communication center of his/her unit number, location, direction, and speed of the pursuit, the description of the pursued vehicle, license plate, number of occupants, and the initial reason for the stop. This shall be done on our primary channel. The pursuing officer shall keep our communication center updated on the pursuit.
- 7. Pursuits involving motorcycles will only be authorized by the supervisor.

### B. Continuation of Pursuits

- 1. The decision to continue a pursuit must be based upon the pursuing officer's conclusion that the immediate danger to the officer and/or the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- 2. In deciding whether to continue a pursuit, an officer shall take into consideration:
  - a. The seriousness of the offense. This applies to what is known at the time of the pursuit's initiation and is based on reasonable suspicion or probable cause, not just a hunch.
  - b. Vehicle equipment and minor traffic violation pursuits should be given very little latitude, whereas violent felonies will be given more latitude to prevent future victims or re-victimization.
  - c. Whether the vehicle's registration or violator's identification has been established so that later apprehension may be accomplished, and, in the officer's opinion, there is no apparent continued need for immediate apprehension (per provision of Wis. Stats 346.175).

# VEHICLE PURSUITS

2/130.00

- d. Road conditions and highway configuration (such as interstate, divided highway, or work zone).
  - e. Physical location and population density (such as residential area, school zone, or business district).
  - f. The time of day in which the pursuit is initiated and the presence 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. This includes if the officer's vehicle becomes disabled, equipment malfunctions, or is involved in a crash.
  - 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 suspect vehicle.
  - n. Any other condition or situation that would create an unreasonable risk.
3. Whenever possible, a marked patrol unit shall be used as the primary pursuing unit. When an unmarked emergency vehicle initiates a pursuit, the unmarked unit shall take the secondary position when a marked unit becomes available.
  4. The primary unit (or the assisting unit if they have assumed radio communications) must provide regular updates over the radio regarding the progress of the pursuit. These updates should include any reckless driving displayed by the pursued vehicle, such as disregarding traffic lights or stop signs, high speeds, driving the wrong way on the roadway, etc. Failure to provide this information may be cause for the managing supervisor to terminate the pursuit.

## C. Terminating the Pursuit

1. Termination Considerations
  - a. A vehicle pursuit shall be terminated whenever the risks associated with continuing the pursuit are greater than the public safety benefit.
  - b. If the pursued vehicle's location is no longer known or the distance between the police officer and the suspect is such that, to continue the pursuit, it would require exceptional speeds that would place the police officer and the public in danger.
  - c. If it is necessary to stop and render aid to one or more injured persons, and no other unit is available to do so.
2. Any officer involved in the pursuit or a supervisor may terminate a pursuit at any time.
3. When the pursuit is terminated, all pursuing officers shall acknowledge the order to terminate, reduce speed until safely able to pull over for a reasonable amount of time, and turn off emergency equipment. After stopping for a reasonable amount of time, the officer may continue to drive the last known path in non-emergency mode to check for crashes in strict conformity with applicable traffic laws and regulations.

## D. 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:

1. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they can see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
2. Officers may proceed past a red stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat § 346.03(2)(a)).
3. Because intersections can present increased risks, the following tactics should be considered:
  - a. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit to warn cross traffic.

# VEHICLE PURSUITS

2/130.00

- b. Pursuing units shall exercise due regard and slow down as may be necessary for safe operation when proceeding through intersections.
- 4. 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:
  - a. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
  - b. Requesting other units to observe exits available to the suspect.
- 5. Passing - There is to be no attempt by officers to pass other units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor.

## E. Intervention Options

Intervention tactics such as tire deflation devices or partial roadblocks are extremely hazardous and shall be used when officers have been trained in their use and it is safe to do. Supervisory preauthorization shall be sought before use, except when exigent circumstances exist. Pursuing units must be advised of the location of any roadblocks or deployed tire deflation devices before the pursuit reaches that area.

### 1. Roadblocks:

- a. When employing a partial roadblock, all squad emergency lights must be activated. If the tire deflation system is deployed, try to funnel the suspect vehicle over the system by utilizing a partial roadblock. Officers shall only utilize a partial roadblock or tire deflation system when they have a reasonable amount of time to deploy and remove themselves to a safe distance or to adequate cover.
- b. A total roadblock is the complete obstruction of the roadway that does not allow the pursued vehicle an escape route. Total roadblocks shall only be employed when deadly force is justified (see Use of Force Policy 2/120.00).
- c. A moving roadblock is an attempt to stop a fleeing vehicle by positioning a squad in front of or to the side(s) of the pursued vehicle. This method shall only be utilized for slow speed (less than 30 miles per hour) pursuits and when safe to do so.
  - (1) A moving roadblock shall not be utilized if there is an alleged threat or presence of a firearm inside the fleeing vehicle. Moving roadblocks are typically only utilized for elderly drivers or drivers who are experiencing a medical event.

### 2. Pinning:

- a. Pinning a vehicle is a technique that may be used to prevent a suspect vehicle from continuing to flee or evade apprehension. Extreme caution should be used when pinning a vehicle due to the proximity to the suspect.

### 3. Discharging of Firearms

- a. Discharging firearms at or from a moving vehicle is governed by the Use of Force Policy 2/120.00.

### 4. Ramming:

- a. The intentional ramming of a vehicle is considered deadly force and is governed by the Use of Force Policy 2/120.00.

### 5. Tire Deflation

- a. Tire deflation systems are in all marked fleets. At the beginning of an officer's tour of duty, the officers assigned to those squads must check the squad to make sure the deflation system is in the squad.
- b. Deployment of Tire Deflation System
  - (1) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Before the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle

# VEHICLE PURSUITS

2/130.00

transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

- (2) Mandatory Safety Precaution – If an officer does not have sufficient time and cover per training, and in the manner previously described, the system shall not be deployed. The use of a tire deflation system is for the sole purpose of reducing the risk of injury to civilians and officers.

## 6. Pursuit Intervention Technique (PIT)

- a. PIT falls under the Protective Alternatives in the DAAT System.
- b. Only officers trained in the use of the PIT will be authorized to use this procedure upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public, and occupants of the pursued vehicle. Supervisor authorization should be requested if time permits.

## F. Assisting Officers' Responsibilities

1. The assisting unit, upon joining the pursuit, is to immediately notify the communications center of its identity. If the primary unit is a one-person unit, the assisting unit may assume radio communications responsibility.
2. The assisting unit will maintain a safe distance behind the primary unit. If the primary unit becomes disabled, the assisting unit will become the primary unit. Officers not directly involved in the pursuit will assist by covering possible avenues of escape, blocking cross traffic to prevent collisions, and using other pursuit tactics relevant to officers not directly involved.

## G. Communications Center Responsibilities

1. The Franklin Police Dispatch Center shall maintain radio control of the pursuit on the Department's main channel. Communications personnel shall notify any available supervisor of the pursuit and relay necessary information to other officers and jurisdictions.
2. The Franklin Police Dispatch Center will patch the radio channel of the active pursuit to the countywide pursuit channel.
  - a. The dispatcher will state "City of Franklin is patching in a pursuit...", give the vehicle description, direction of travel, and reason for the pursuit. The dispatcher will also include a statement similar to "City of Franklin is requesting mutual aid from any jurisdictions in a position to assist."
3. When any pursuit is terminated by Franklin Police personnel, a Franklin Police Dispatcher will repeat the termination order over the radio channel of the pursuit by stating, "Franklin Police are terminating the pursuit. All Franklin Police squads terminate the pursuit."
4. All patrol units in service shall remain on our primary channel during the pursuit unless instructed to switch to another channel.

## H. Designating Secondary Unit Responsibilities

1. A pursuit shall consist of no more than four police vehicles, including a primary unit, a secondary unit, and enough squads to conduct a high-risk traffic stop. Other personnel shall monitor the pursuit, position themselves for a possible high-risk stop (paralleling), and/or attempt to set up tire deflation devices if the opportunity presents itself. All squads not involved in the pursuit, but responding to the pursuit, shall operate with due regard. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect.

## I. Pursuits Extending Outside of Franklin

1. When a Franklin Police Department pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit.
2. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

# VEHICLE PURSUITS

2/130.00

## J. Pursuits Extending into Franklin

1. The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from the Franklin Police Department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit and with permission from the supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under these circumstances, a unit from the Franklin Police Department may join the pursuit until sufficient units from the initiating agency join the pursuit.
2. When a request is made for the Franklin Police Department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:
  - a. Ability to maintain the pursuit
  - b. Circumstances serious enough to continue the pursuit
  - c. Adequate staffing to continue the pursuit
  - d. The public's safety within Franklin
  - e. Safety of the pursuing officers
3. As soon as practicable, a supervisor or the Shift Commander should review a request for assistance from another agency. The Shift Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.
4. Assistance to a pursuing outside agency by officers of the Franklin Police Department will terminate at the City limits, provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from the Franklin Police Department may continue only until sufficient assistance is present. A supervisor may authorize a unit with specialized skills, such as K-9, PIT, etc., to continue in the pursuit if requested by the pursuing outside agency.
5. If a pursuit from another agency terminates within this jurisdiction, officers shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to officers from the initiating and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

## K. Supervisory Responsibilities

1. When made aware of a vehicle pursuit, the supervisor assuming responsibility for the pursuit shall be known as the "managing supervisor." That supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are followed, and do the following:
  - a. Upon becoming aware of a pursuit, immediately notifying involved officers and the Dispatch Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit to ensure that the pursuit is conducted within established department guidelines.
2. The managing supervisor shall oversee pursuit control until the violator is apprehended, the pursuit is turned over to another agency, or the pursuit is terminated.
3. When pursuit control is turned over to another law enforcement agency for any reason (after ensuring that there are at least two squads from the other jurisdiction in place), it shall be the managing supervisor's responsibility to ensure Franklin Police Department officers are not allowed to participate in the pursuit unless the pursuing department makes a mutual aid request over the radio for Franklin Police Department assistance (a teletype mutual aid request must be sent as soon as practicable).
4. If an accident or injury occurs in the city as a result of the pursuit or the arrest, a supervisor must respond to that location to initiate an investigation and manage the scene. For any accident or injury that occurs outside the city, it is recommended that a supervisor respond to the scene when possible.
5. In the event the critical incident involves the death of an individual from an act or omission of an officer, or is likely to result in death, ensure adherence to the Officer Involved Death and Critical Incidents Policy 2/042.00, which contains the guidelines to ensure compliance with § 175.47, Wis. Stats.

## VEHICLE PURSUITS

6. Upon completion of the initial investigation, an administrative pursuit review shall be initiated by the managing supervisor. The shift commander will complete the administrative review by ensuring that the managing supervisor and all personnel complied with department policies and procedures. Any deficiencies will be addressed through performance corrections, training, and/or discipline.
7. If an emergency vehicle was damaged due to the officer intentionally colliding with another vehicle, or the vehicle driver intentionally colliding with an emergency vehicle, a supervisor shall ensure the Emergency Vehicle Involvement form (MV3347) is completed and submitted. This form removes the crash from the officer's driving record.
8. If a department vehicle was damaged as a result of the vehicle pursuit, a supervisor shall ensure the crash report (MV4000) is completed, and the fleet manager is notified of the damage to have necessary follow-up completed.
9. The managing supervisor shall complete the TraCS pursuit form as required under the provisions of Wis. Stats 85.07(8)(b), and transmit the completed form through TraCS.

### L. Training

1. All sworn personnel shall be given initial, periodic, and annual training in the Department's Pursuit Policy.
2. All sworn personnel are required to attend Vehicle Pursuit Training (VPT) as prescribed by the Wisconsin Law Enforcement Standards Board.

### M. 1997 Wisconsin Act 88 Compliance

1. In compliance with 1997 Wisconsin Act 88 this policy will be reviewed and revised if necessary by June 30 of each even-numbered year, or more frequently if deemed necessary by the Chief of Police.