

CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES

DATE: July 27, 2022

HISTORY: September 7, 2020
May 16, 2016
September 10, 1998
February 3, 2021

SUBJECT: Vehicle Pursuits

POLICY NUMBER: 98-018

I. PURPOSE

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

II. POLICY

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

III. DEFINITIONS

- A. Vehicular Pursuit: an active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who actively is attempting to elude the police.
- B. Authorized Emergency Vehicle: an agency vehicle equipped with operable emergency equipment as designated by state law.
- C. Primary Officer/Unit: the police unit which initiates a pursuit or any unit which assumes control of the pursuit.
- D. Probable Cause: probable cause exists when the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime. Probable cause is more than a hunch or reasonable suspicion.
- 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 an officer 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.

IV. STATUTORY GUIDELINES

- 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. Unmarked squads equipped with a full internal light package are authorized to be involved in a pursuit. However, the officer should remain cognizant of the squad's reduced visibility and should relinquish the role as primary officer when a full marked squad is available.
 - a. A full internal light package is defined as:
 - i. Multiple red/blue flashing lights and headlight flashers to the front of the vehicle.
 - ii. Multiple red/blue flashing lights to the rear of the vehicle.
- C. Exemptions to the use of audible and visual emergency equipment are as follows:
 - a. 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.
 - b. 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:
 - i. Knowledge of the officer's presence may endanger the safety of a victim or other person.
 - ii. 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.
 - iii. 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)
 - a. 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, not 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)
 - a. No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, 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 operations of the police vehicle, or the traffic officer or 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.

V. **INITIATING THE PURSUIT**

- A. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- B. Any law enforcement officer in an "authorized emergency vehicle" may initiate a vehicular pursuit when they meet any of the following criteria:
 - a. Felonies – Officers shall pursue, attempt to stop, and apprehend, as expeditiously and safely as possible, any person in a vehicle who the officers have reasonable grounds to believe:
 - i. Has committed or attempted to commit a felony involving the use or threatened use of a weapon or threatened the use of force when a high probability exists that

the suspect, if not immediately apprehended, may cause death or great bodily harm to him/herself or others, or

- ii. Is operating a vehicle in a way that created a probability of death or great bodily harm to others

- b. All Other Criminal Violations – Officers shall pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable grounds to believe the person has committed any criminal violation but shall cease when the pursuit creates an unreasonable risk of death or great bodily harm to any person.

- c. Traffic Violations – Officers may pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable grounds to believe the person has committed any traffic violation but shall cease when the pursuit creates an unreasonable risk of death or great bodily harm to any person.

VI. PURSUING OFFICER'S RESPONSIBILITIES

A. Before commencing (and throughout) a pursuit, officers are required to continually evaluate the following factors:

- a. road and traffic condition
- b. density of population
- c. the reason for the pursuit
- d. the necessity to pursue the fleeing vehicle
- e. affected third parties
- f. pursuit speed
- g. area demographics and terrain
- h. driving characteristics/behavior of suspect

B. If those factors or any other factors indicate the pursuit creates an unreasonable risk to human life, the pursuit shall be terminated.

C. Operators of emergency vehicles shall operate their vehicles with due care while engaged in a pursuit and shall comply with Wis. Stat. §346.03.

D. An officer who initiates a pursuit of a motor vehicle shall immediately notify Waukesha County Communications (WCC) of the pursuit and provide the following information:

- a. squad number
- b. reason for the pursuit
- c. location, speed, and direction of travel
- d. description of vehicle and occupant(s)
- e. verify that the shift supervisor be notified

E. Any primary or backup unit sustaining damage to, or failure of, essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications so that another unit may be assigned to the pursuit.

F. All emergency vehicle operations shall be conducted in strict conformity with existing Wisconsin State Statutes. Officers engaged in any pursuit shall use both audible and visual emergency warning equipment.

G. Seatbelts are to be worn at all times.

- H. A squad will not initiate or become involved in a pursuit if a non-sworn member or citizen is in the vehicle.
- I. At no time will the police motorcycle initiate or become involved in a pursuit.

VII. ASSISTING OFFICERS' RESPONSIBILITIES

- A. Officers assisting in pursuits shall observe strict radio discipline. It is imperative that radio traffic is limited to what is pertinent to the pursuit. All other radio traffic should be switched to other talk groups.
- B. Pursuits should be accomplished with a minimum number of vehicles and normally be limited to the primary and two additional vehicles. Additional vehicles should maintain a safe distance from the primary pursuit vehicles. The number of vehicles directly involved may be adjusted to fit the situation. Officers who join the primary officer in the pursuit shall immediately notify WCC.
- C. If possible, the #2 pursuing officer should assume radio communications responsibility for the pursuit and relay pertinent information to other units and the communications center.
- D. Officers not directly involved in the pursuit may assist by establishing roadblocks or deploying spike strips, covering possible avenues of escape, blocking cross traffic to prevent collisions, or broadcasting pertinent information to the pursuing officers regarding road conditions, hazards, etc. For these actions' officers will gain supervisory approval.

VIII. SUPERVISOR'S RESPONSIBILITIES

- A. Upon notification that a vehicular pursuit is in progress, the supervisor shall assume responsibility for monitoring and control of the pursuit as it progresses.
- B. The supervisor shall continually evaluate the pursuit based on the guidelines of this policy to determine if the pursuit should continue or be ended. The supervisor shall order his/her personnel to end the pursuit when the danger posed by continued pursuit outweighs the value of the apprehension of the suspect(s).
- C. The supervisor shall direct the actions of the pursuing officer(s) and may request assistance from other agencies to conclude the pursuit as safely and as quickly as possible.
- D. In controlling the pursuit, the supervisor shall be responsible for coordination of the pursuit as follows:
 - a. Directing pursuit vehicles into or out of the pursuit
 - b. Re-designation of primary, support or other backup vehicle responsibilities
 - c. Approval or disapproval, and coordination of pursuit tactics
 - d. Respond to the scene, once the vehicle is stopped, to coordinate the investigation
- E. When the pursuit concludes with the suspect vehicle being stopped, the supervisor shall determine how many squads are needed for assistance. Only those squads needed should be permitted to proceed to the scene of the stop.
- F. Supervisors may, at any time, withdraw their personnel from participating in a pursuit when in their judgment continued pursuit constitutes an unjustifiable risk to human life. The withdrawal shall be made via radio so that all personnel involved in the pursuit are made aware of the withdrawal.

IX. SPIKE STRIPS

- A. Whenever spike strips are deployed, the officer(s) placing the spike strips shall advise the pursuing officers via radio of the location so that the pursuing units may take evasive action.
- B. Before deploying spike strips, the officer(s) must be in a position where they can safely remove themselves from their squads and move to a position of safety before the arrival of the fleeing vehicle.

X. PURSUITS ENTERING THE CITY

- A. Officers of the City of Oconomowoc Police Department may become involved in pursuits entering the city, only under the following circumstances:
 - a. Requested to assist by the pursuing agency
 - b. Less than two squads are involved in the pursuit
 - i. The seriousness of an offense, number of passengers, known weapons may justify additional squads. Approval must be obtained from the shift supervisor before additional city squads may become involved.
 - ii. This does not preclude officers from assisting by deploying spike strips, blocking cross traffic, covering possible escape routes, broadcasting other pertinent information
 - c. If the pursuit again leaves the city, and there are at least two additional squads involved in the pursuit, the city officer shall terminate and return to the city.

XI. TERMINATION OF A PURSUIT

- A. The officer shall terminate the pursuit in any of the following circumstances:
 - a. Directed to do so by a supervisory
 - b. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect
 - c. The distance between the pursuing and fleeing vehicles is so great that further pursuit is futile
 - d. The danger posed by continuing the pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect
- B. When an officer or supervisor has decided to end a pursuit, the primary pursuing officer shall immediately acknowledge and notify WCC that the pursuit has been ended and give the suspect vehicle's last known location and direction of travel.
- C. Upon termination of the pursuit, the officer(s) shall pull to the side of the road and remain at that location for one minute before proceeding.

XII. MISCELLANEOUS

- A. All personnel operating department vehicles shall exercise "Due Regard" for the safety of all persons. No assignment or tasks shall be so important or done with such emphasis that the principles of safety become secondary. There are no tasks so important to justify the reckless disregard of the safety of innocent people.
- B. All department personnel will be held accountable for the consequences of their actions.
- C. All units involved in a pursuit shall maintain a distance from the vehicle in front of them that will ensure proper braking and reaction time in the even the preceding vehicle stops, slows, or turns.

XIII. ACT 88

- A. Effective August 1, 1998 the Wisconsin Department of Transportation mandates each law enforcement agency to record pursuit data for their respective agencies and to submit the data to the Department of Transportation (DOT) in the form prescribed by the DOT (§85.07(8)(b)).

XIV. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict