



Model Policy



Subject

Pursuit Driving Policy Standards

Effective Date

References

Emergency Vehicle Operation and Control (EVOC): A Guide for Law Enforcement (December 2009), State of Wisconsin Department of Justice

Vehicular Pursuit, Model Policy (July 2006), International Association of Chiefs of Police

Wisconsin State Statutes: 165.85 and 346.03

Special Instructions

Distribution

Reevaluation Date/s

This policy, and accompanying training guide, will be reviewed by June 30th of each even-numbered year (Wis. Stats 165.85(4)(cm)2.a.). Any changes made to this document will go in to effect within 30 days of the review. Employees will receive update training on any changes to this policy or accompanying procedures.

No. Pages

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I. PURPOSE

The purpose of this policy is to establish procedures for making decision with regard to vehicular pursuits.

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. SCOPE

This policy applies to all sworn officers within the agency.

IV. 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 with initiates a pursuit or any unit which assumes control of the pursuit.

V. PROCEDURES

- A. Initiation of Pursuits: Any law enforcement officer in an authorized vehicle may initiate a pursuit when the subject is attempting to avoid apprehension and any of the following situations are present:
 - 1. The subject has committed or is attempting to commit a crime which involved an actual or threatened action which you, as an officer, reasonably believe resulted in or could result in death or great bodily harm to a person or persons;
 - 2. The subject, if allowed to escape, is likely to cause injury or death to a person or persons.
- B. Continuation of Pursuits: In determining whether or not to continue a pursuit that has been justifiably initiated, officers should consider the following factors:
 - 1. Whether continuation of the pursuit would likely create a danger to the public, officer(s) or subject(s) which is apparently greater than the value of apprehending the subject(s), due to such factors as, but not limited to the following:
 - a. Road conditions;
 - b. Weather conditions;

- c. Density of population;
 - d. Severity of the crime;
 - e. Necessity of pursuit by vehicle.
2. 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 continuing need for immediate apprehension (per provision of Wis. Stats 346.175).
- C. Termination of Pursuits: The primary pursuing unit shall continually re-evaluate and assess the pursuit situation and terminate the pursuit if he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension. Additionally, law enforcement officers will terminate vehicle pursuits under any of the following conditions:
1. At any time a supervisor orders termination;
 2. When the continuing distance between the pursuing and fleeing vehicles is such that further pursuit is futile;
 3. When the pursued vehicle's location is unknown;
 4. When the officer's vehicle or emergency equipment malfunctions;
 5. When it is necessary to stop to render aid to an injured person or persons, and no other unit is available to do so.
- D. Supervisor Responsibilities in Pursuit Incidents: A pursuing officer has the authority to initiate, continue or terminate a pursuit. On-duty supervisors should be notified of pursuits and should monitor progress of pursuits. A supervisor may order termination of a pursuit for any reason and may coordinate any pursuit actions or tactics.
- E. Pursuit Tactics and Techniques: Law enforcement agencies should develop policies and guidelines. They should provide in-service training to personnel on the guidelines for effective pursuit tactics and techniques as specified in the training guide entitled Emergency Vehicle Operations and Control as approved by the Law Enforcement Standards Board as part of the approved curriculum for basic law enforcement training.
- F. Multi-Jurisdictional Pursuits:
1. Law enforcement agencies should develop written agreements or guidelines regarding multi-jurisdictional vehicle pursuits, which minimally addresses the following issues:
 - a. Who assumes command authority in situations involving pursuits entering their jurisdictions from other jurisdictions;
 - b. Who has authority to order termination of a pursuit within their jurisdiction;
 - c. Applicable radio frequencies to be used;
 - d. Authorization of implementation of forcible stop techniques to terminate the pursuit.
 2. There should be periodic review of such written agreements and guidelines and revisions as deemed necessary and appropriate.

- G. Use of Force Stops During Vehicle Pursuits: Law enforcement agencies should develop written guidelines for their personnel governing use of forcible stop techniques to stop fleeing vehicles. Such guidelines should minimally address the following issues:
1. When use of forcible stop techniques are justified;
 2. Whether supervisory authorization is required for use of any specific forcible stop technique or whether officers have discretion to apply the technique without supervisory authorization;
 3. That officers shall be specifically trained on use of forcible stop techniques before they are allowed to apply such techniques;
 4. Guidelines or parameters for use of any allowed forcible stop techniques;
 5. Specific forcible stop techniques authorized for use within the agency.
 6. Follow-through procedures required after application of any forcible stop techniques;
 7. Documentation required following use of any forcible stop techniques.
- H. Pursuit Documentation and Debriefing: The primary officer (or supervisor, if policy requires) shall write a detailed report that gives a full account of the event. Additionally, the State Patrol is required by statute to submit an annual report to the legislature summarizing the statewide pursuits. Agencies must submit pursuit data electronically to the State Patrol/Department of Transportation via the Department of Justice's WILENET system. The written Wisconsin Pursuit Report (Form SP4533) is no longer accepted.

Debrief pursuit incidents tactically to determine adherence to agency policy and make improvements to procedures. Agencies should also conduct critical incident stress debriefings, especially if the pursuit resulted in severe injury or death.

VI. INFORMING AND TRAINING OF AGENCY PERSONNEL

Law enforcement agencies shall provide written guidelines to their officers regarding exceeding speed limits pursuant to Wis. Stats 346.03(6). In addition, each law enforcement officer, with exception of elected officers, shall biennially complete at least 4 hours of training from curricula based upon model standards promulgated by the Law Enforcement Standards Board. The State of Wisconsin Fiscal Year runs July 1 through June 30 of the following year. Therefore, the biennium runs, for example, from July 1, 2009 through June 30, 2011.

Note: Every effort has been made by the Wisconsin Department of Justice Staff and advisory committees to ensure that this model policy incorporates the most current information and contemporary professional judgment. However, law enforcement administrators must be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, prosecutor guidelines and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among many other factors.