

# PURSUIT POLICY (Revised)

Effective immediately, for all sworn personnel:

## PURSUIT POLICY

### *Purpose*

The purpose of this policy is to prevent death and/or serious injury to deputies, civilians and suspects during pursuits.

### *Policy*

The major objective of this policy is to protect life and property; therefore, pursuits are only justified when there is a necessity for immediate apprehension. The decision to initiate a pursuit must be based on good decision-making and the foresight of potential hazards. Vehicle pursuits are a valid enforcement activity performed by deputies attempting to apprehend fleeing suspects under appropriate circumstances. The deputy must consider the crime for which the suspect is wanted and the risk the pursuit poses to the community.

### *Pursuit Initiation Criteria*

Pursuits are authorized in the following situations:

- When a deputy knows or has reasonable grounds to believe that the fleeing suspect has committed a violent felony and the delay in their apprehension will put law enforcement and the public in imminent danger of death and/or great bodily harm (behavior which justifies the use of deadly force).
- To apprehend suspects for traffic offenses that would put law enforcement and the public in imminent danger of death and/or great bodily harm if apprehension were delayed. Examples of these are impaired drivers that cannot control their vehicles.

**Note:** Deputies shall not initiate a pursuit based on the suspect's actions that became dangerous in response to being pulled over for a traffic violation. An example of this would be

a suspect that drives recklessly after a deputy attempts to stop the suspect vehicle for a traffic violation.

### *Pursuits are not Authorized*

Pursuits are not authorized in the following situations:

- For traffic offenses.
- For misdemeanor offenses.
- For non-violent felonies and property crimes.

**Note:** A supervisor may evaluate the circumstances of a pursuit situation and authorize a pursuit if the failure to apprehend the suspect puts law enforcement and/or the public in imminent danger of death and/or great bodily harm. (Example: Witnesses with information that may save a subject from imminent death and/or great bodily harm.)

## PROCEDURE

### *Pursuit Initiation*

When initiating a pursuit, the deputy must consider the following:

- The failure to apprehend the suspect will put law enforcement and the public in imminent danger of death and/or great bodily harm.
- Time of day, road, weather, and environmental conditions.
- Pedestrian traffic, vehicular traffic volume, and population density.
- The capabilities/restrictions of the emergency vehicle that is pursuing.
- The highway type; freeway, city street, alley.
- Whether the identity of the occupants is known and immediate apprehension is necessary to prevent law enforcement and the public from being in danger of imminent death and/or great bodily harm.
- Familiarity with the area of the pursuit.
- The quality of radio communications.
- The deputy's training and experience.

**Note:** A pursuit is a dynamic event in which the circumstances and nature for the pursuit

may change. Therefore the deputy(s) must continually reevaluate the pursuit factors throughout the pursuit.

Once the pursuit is initiated, the deputy will perform the following functions:

- Inform the dispatchers that he/she is in pursuit.
- Give the reason for the pursuit.
- Give a vehicle description with license plate number (if identified).
- Give description of the occupant(s).
- Give the location and direction of travel.
- Give pursuit speeds.
- Give road and weather conditions.
- Give pedestrian/vehicular traffic volume.

**Note:** The deputies will update the dispatcher on the factors (dynamics) listed above, throughout the pursuit. Deputies must continually consider the risks created by the pursuit, as those risks change as the pursuit progresses.

**THE ELEMENT OF PERSONAL CHALLENGE TO THE DEPUTY MUST NEVER ENTER INTO A DECISION TO CONTINUE A PURSUIT.**

*Pursuit Procedures*

The following pursuit procedures will be followed:

- The deputies involved in the pursuit will utilize both visual and audio emergency equipment at all times.
- When tactically feasible, the primary pursuit unit will be a clearly marked authorized emergency vehicle.
- Secondary units will notify the dispatcher that they are joining in the pursuit. A secondary unit will take over radio traffic for the primary unit.
- When approaching an intersection (whether on a green light, yellow light, or red light), the deputies will clear the intersection of other vehicles and pedestrians before proceeding through the intersection.
- Pursuits will be limited to three units. A supervisor may approve the use of additional units.
- A supervisor may authorize the use of additional units to block oncoming

traffic at intersections and crossroads in order to protect the public.

- If an unmarked unit initiates a pursuit, it must be replaced as the primary unit by an authorized emergency vehicle as soon as it is tactically feasible.
- The deputy(s) is/are responsible for the safe operation of their vehicle(s) during the pursuit.

*Personnel/Equipment Restrictions*

The following are personnel and equipment restrictions relative to pursuits:

- Motorcycle units shall not participate in pursuits.
- There will be no attempt by deputy(s) to pass the primary unit unless the deputy is requested to do so by the primary unit or supervisor.
- Parallel pursuit techniques are not authorized.
- Deputies will not pursue a vehicle the wrong way on any type or roadway.
- Deputies will not engage in pursuits when a non-sworn person is in their vehicle.

*Deadly Force Options*

The following are considered Deadly Force Options relative to pursuits. The use of these options (or other techniques not trained but justified under the circumstances) must be approved by a supervisor when time permits:

- The Pursuit Intervention Technique (PIT) if used at speeds in excess of 35 mph.
- Roadblocks.
- Ramming.
- Blocking techniques.
- Deliberate contact between vehicles initiated by the pursuing vehicle(s).
- Other techniques not trained, but justified under the circumstances.

The Deadly Force Decision Making Criteria must be met before utilizing any of the techniques listed above.

*Pursuit Termination*

The pursuit will be terminated when the following factors become evident to the pursuing deputies and/or the supervisor:

- The suspect vehicle stops (Felony Stop procedures will be used to take the subject into custody when tactically feasible).
- When a supervisor orders the termination of the pursuit.
- If in the judgment of the pursuing deputy, and/or the supervisor, the continuation of the pursuit would present an unreasonable risk or danger to law enforcement or the public.
- The suspect is identified and his immediate apprehension is not necessary to protect law enforcement and the public from imminent danger of death and/or great bodily harm.
- The pursuing deputies no longer know the suspect's vehicle location.
- The distance between the suspect's vehicle and the pursuing squads is so great that further pursuit is futile.
- The pursuing unit(s) encounters equipment failure that prevents the deputy from operating the vehicle in a safe and efficient manner.
- The suspect proceeds the wrong way on any roadway.
- If an accident occurs during the pursuit, a Milwaukee County Sheriff's Office squad will immediately render aid.
- The deputy is unfamiliar with the area and thus is unable to communicate accurate locations and directions to the dispatcher.

#### *Pursuit Termination Procedure*

The following procedure will be followed when a pursuit is terminated:

- The primary unit will notify the dispatcher that the pursuit was terminated. This unit will also give their location at the time of termination.
- All units involved in the pursuit will turn off their emergency equipment (lights and sirens).
- All units will pull to the side of the road/freeway and stop for **one minute**.
- All units will either exit the freeway or turn their vehicle around and travel in a different direction.

#### *Supervisor Responsibility*

Upon notification that a pursuit is in progress, one supervisor (the supervisor responsible for the supervision of the deputy initiating the pursuit) will assume responsibility for monitoring, reviewing, and controlling the pursuit as it progresses.

The supervisor can terminate the pursuit at any time.

The supervisor shall gather all of the reports from all deputies involved in the pursuit and determine whether the pursuit was initiated in accordance with the pursuit initiation criteria set forth in this policy.

Upon notification of a pursuit, the supervisor will perform the following functions:

- Verify the number of units and personnel involved in the pursuit; assign/position units as necessary.
- Ensure the appropriate law enforcement agencies affected by the pursuit are notified.
- Continuously review incoming information to determine whether the pursuit should be continued or terminated.
- Terminate the pursuit if the pursuit criteria are not met and/or failure to apprehend the subject would not put law enforcement and the public in imminent danger of death and/or great bodily harm.

#### *Pursuit Debriefing*

Upon completion of the pursuit, the supervisor will debrief all of the pursuit participants. The debriefing will focus on any positive or negative events of the pursuit. The purpose of the debriefing will be to correct any problems and to improve on future performance.

#### *Post Pursuit Reporting*

The following personnel will complete reports relative to the pursuit:

- The deputy initiating the pursuit will complete an *Incident Report*, Form #1084 R1, or the most recent revision (separate from an Offense report) that details the events of the pursuit.

- All other deputies involved in the pursuit will complete *Supplemental Reports* detailing their involvement in the pursuit.
- The supervisor assuming responsibility for overseeing the pursuit will complete a supplemental report detailing the events of the pursuit.
- The supervisor will complete the *State of Wisconsin Pursuit Reporting* form and the *Milwaukee County Office of the Sheriff Pursuit Review* form.
- The Patrol Division will be the repository for all agency pursuit reports once they have been completed and signed off by the Deputy Inspector from the Bureau where the pursuit initiated. Once the completed pursuit packet, with all the original reports, arrives to the Patrol Division, the Patrol Division clerical staff will enter the data into the Department of Justice WILENET system electronically.
- A copy of the dispatch tape relative to the pursuit will be included with all reports.

#### *Pursuit Review*

- The supervisor will review all reports and forward them to the division captain for further review.
- The division captain will review all reports and forward them to the appropriate deputy inspector for further review.
- The deputy inspector will review all reports and make a determination as to whether the MCSO policies and procedures were followed during the pursuit.
- Once the deputy inspector reviews the pursuit packet and signs that the pursuit has met with all agency policies and procedures, a copy of the pursuit packet shall be forwarded to the Internal Affairs Division and the Training Academy.

#### *Pursuit Record Keeping*

- All divisions will keep files of their respective pursuit reports.
- Copies of all pursuit reports will be forwarded to the Training Academy for

filing and statistical data analysis and Internal Affairs.

- The State of Wisconsin Pursuit Form will be sent to the Patrol Division who will send them to the State of Wisconsin. Copies of these forms will be kept at the Patrol Division.

#### *Communications Division*

The Communications Division will perform the following activities during a pursuit:

- They will clear all radios of all non-emergency radio traffic.
- They will relay information to other units and notify the jurisdiction(s) in which the pursuit is taking place.
- They will conduct a wanted/registration check on the suspect vehicle.
- They will prompt the unit providing radio transmissions for updated information such as direction of travel, location, speeds, pedestrian traffic, vehicular traffic, and road and weather conditions.
- They will notify the appropriate supervisor that a pursuit is taking place.

#### *Pursuits Traveling Outside of Milwaukee County*

- The Communications Division will notify the agency affected.
- The supervisor will make a determination as to whether the pursuit should proceed and how many units will be involved in the pursuit.
- The Communications Division will provide the affected agency with the following information: the reason for the pursuit, type of assistance needed, the number of units pursuing, the location, vehicle/suspect descriptions and other relevant information.

#### *Requests for Pursuit Assistance from Other Agencies*

Milwaukee County Office of the Sheriff will not assist other agencies with a pursuit unless they receive supervisory authorization.

Upon receiving a request for assistance, the following will occur:

- The Communications Division will request from the pursuing agency the reason for the pursuit, the vehicle/suspect descriptions, the location and direction of travel, the speeds and other pertinent information.
- The Communications Division will notify the appropriate MCSO supervisor and provide them with all available information.
- The supervisor will make a determination as to whether the MCSO will assist once he/she has received enough information to make a determination that the pursuit meets the criteria outlined in this policy and procedure.
- If the pursuit does not meet the MCO criteria, the supervisor will advise the Communications Division that the MCSO will not assist in the pursuit. MCSO units will then place themselves in a safe area not in the path of the pursuit.
- If the pursuit meets the MCSO criteria, the supervisor will inform the Communications Division that the MCSO will assist. The Communications Division will then assign the nearest unit to assist. The supervisor will make a determination as to how many units will assist in the pursuit, up to 3.
- MCSO units should not become the primary unit unless they are requested to by the pursuing agency.
- The Communications Division will monitor the pursuit and provide information to **ALL** MCSO units (whether or not there is MCSO involvement).

#### *Use of Firearms During Pursuits*

MCSO deputies will not fire at a moving vehicle whether to disable the vehicle or to stop the subject, unless they believe that the subject is in imminent threat to cause death and/or great bodily harm to the deputy, to other law enforcement personnel, or to the public. Before using a firearm, the deputy should preclude all other options and take into consideration the location of the incident, vehicular and pedestrian traffic, and any hazard to innocent bystanders.

Deputies should use appropriate tactics when facing a suspect in a vehicle. If at all possible, they should not place themselves or remain in the path of a moving vehicle.

#### *Controlled Deflation Devices*

This technique involves the deployment of a mechanical device (such as stop sticks), that when contacted by a suspect's vehicle, slowly deflates the tires of the vehicle. A supervisor will authorize the deployment of this device.

Deploying a Controlled Deflation Device during a vehicle pursuit will be considered a use for force. Only deputies that are trained in the use of this type of device will be authorized to deploy the device.

#### Deployment Considerations

The following are deployment considerations:

- Every effort must be made to avoid collateral damage to citizens' property that could result from the suspect vehicle's impact with the device.
- The deploying deputy will notify the Communications Division of the intended location and specific lanes of travel targeted for deployment.
- The Communications Division will notify all participating units of the deployment location.
- The deploying deputy(s) must select a location with minimal anticipated and actual bystander presence.
- Law enforcement personnel and the public should be positioned in a safe location away from the point of impact and flying debris.
- The device should be positioned to minimize the ability of the suspect vehicle to avoid or evade the device.
- Supervisors should utilize other units to prevent traffic from entering the target roadway or from driving over the device once the suspect vehicle has passed
- Deploying deputies should remove the device once the suspect vehicle has passed.

#### *Pursuit Intervention/Immobilization Techniques*

Pursuit Intervention/Immobilization Technique (PIT) maneuvers may be an option but may be used only by deputies trained in PIT maneuvers. PIT maneuvers should be considered **deadly force** if used at speeds greater than 35 mph. A supervisor must authorize the use of the PIT maneuver. PIT maneuvers should not be used on vehicles of higher stature than the pursuing vehicle.

#### *Pursuit Policy Review*

A review of the Pursuit Policy will take place annually. This review will consist of an examination of the pursuits that have occurred in the last year. A panel (chosen by the Sheriff) will recommend any deletions, additions, or modifications to the Pursuit Policy.

#### *Training*

The Training Academy will ensure that MCSO personnel receive a minimum of four (4) hours of pursuit training annually.

## DEFINITION OF TERMS

Authorized Emergency – Vehicle: Clearly marked sheriff's vehicles with oscillating or rotating red and/or red and blue lights and a siren.

Controlled Deflation Device – A commercially manufactured device used to puncture the tires on a fleeing vehicle (stop sticks).

Deadly Force Definition – The use of a firearm or other instrument the use of which would result in a high probability of death...behavior which justifies your use of deadly force is that which has caused or imminently threatens to cause death or great bodily harm to you or another person. (Source: State of Wisconsin's Guide for Law Enforcement Officers – Following Guidelines for Use of Deadly Force – Manual 2.1, page 14, dated July, 1985).

Imminent Threat (Danger) – This is the criterion for the use of deadly force that allows for self-defense, the defense of another, and the defense of the community at large.

Primary Unit – A sheriff's vehicle initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle.

Pursuit – A multistage process by which a deputy initiates a vehicular stop and a driver resists the order to stop, increases speed or takes evasive action, and/or refuses to stop.

Secondary Unit – Any law enforcement vehicle that becomes involved as a back up to the primary unit.

Supervisor – A person designated by the Sheriff's Office to have supervisory control over the pursuit (sergeant, lieutenant, captain, etc.).

Termination of Pursuit – A pursuit shall terminate when the primary unit turns off the emergency equipment or when a supervisor gives a command either over the air, or via dispatch, to terminate the pursuit. Once a supervisor gives this order the deputy(s) shall terminate from pursuing.

## REFERENCES

Milwaukee County Sheriff's Office (2003)  
"Pursuit Policy Revised".

International Association of Chiefs of Police  
(IACP) sample policy on Vehicular Pursuit  
(1999).

Ozaukee County Sheriff's Department Vehicle  
Pursuit Policy (2006).

Wisconsin Statutes (2001-2002), Peg  
Lautenschlag, Attorney General

## RULES OF THE ROAD

346.03 Applicability of rules of the road to  
authorized emergency vehicles. 89; 1995 a.  
138; 2001 a. 90.

Discussion of state, county and tribal  
jurisdiction to regulate traffic on streets in  
housing projects that have been built and are  
maintained by Winnebago Tribe on tribal lands.  
78 Atty. Gen. 122.

### **346.03 Applicability of rules of the road to authorized emergency vehicles. (**

**(2)** The operator of an authorized emergency  
vehicle may: (a) Stop, stand or park,  
irrespective of the provisions of this chapter;  
(b) Proceed past a red or stop signal or stop  
sign, but only after  
slowing down as may be necessary for safe  
operation; (c) Exceed the speed limit;  
(d) Disregard regulations governing direction  
of movement or turning in specified directions.  
**(3)** The exemption granted the operator of an  
authorized emergency vehicle by sub. (2) (a)  
applies only when the operator of the vehicle  
is giving visual signal by means of at least one  
flashing, oscillating or rotating red light except  
that the visual signal given by a police vehicle  
may be by means of a blue light and a red  
light which are flashing, oscillating or rotating,  
except as otherwise provided in sub. (4m).  
The exemptions granted by sub. (2) (b), (c)  
and (d) apply only when the operator of the  
emergency vehicle is giving both such visual  
signal and also an audible signal by means of  
a siren or exhaust whistle, except as otherwise  
provided in sub. (4) or (4m). **(4)** Except as  
provided in sub. (4m), a law enforcement  
officer operating a police vehicle shall  
otherwise comply with the requirements of  
sub. (3) relative to the giving of audible and

visual signals but may exceed the speed limit  
without giving audible and visual signal under  
the following circumstances: (a) If the officer is  
obtaining evidence of a speed violation. (b) If  
the officer is responding to a call which the  
officer reasonably believes involves a felony in  
progress and the officer reasonably believes  
any of the following: 1. Knowledge of the  
officer's presence may endanger the safety of  
a victim or other person. 2. Knowledge of the  
officer's presence may cause the suspected  
violinator to evade apprehension. 3. Knowledge  
of the officer's presence may cause the  
suspected violinator to destroy evidence of a  
suspected felony or may otherwise result in  
the loss of evidence of a suspected felony. 4.  
Knowledge of the officer's presence may  
cause the suspected violinator to cease the  
commission of a suspected felony before the  
officer obtains sufficient evidence to establish  
grounds for arrest. **(4m)** A law enforcement  
officer operating a police vehicle that is a  
bicycle is not required to comply with the  
requirements of sub. (3) relative to the giving  
of audible and visual signals. **(5)** The  
exemptions granted the operator of an  
authorized emergency vehicle by this section  
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.

**346.19 What to do on approach of  
emergency vehicle. (2)** This section does not  
relieve the operator of an authorized  
emergency vehicle from the duty to drive with  
due regard under the circumstances for the  
safety of all persons using the highway.  
**History:** 1993 a. 490. Section 346.19,  
regarding the requirements on the approach of  
an emergency vehicle, is the proper statute to  
invoke when the proof requirements for fleeing  
under s. 346.04 are not met. 76 Atty. Gen.  
214.

**175.40 MISCELLANEOUS POLICE  
PROVISIONS UNOFFICIAL TEXT** Unofficial  
text from 03-04 Wis. Stats. database. See  
printed 03-04 Statutes and 2005 Wis. Acts  
for official text under s. 35.18 (2) stats.  
Report errors to the Revisor of Statutes at  
(608) 266-2011, FAX 264-6978,



<http://www.legis.state.wi.us/rsb/> 2. Render assistance to a Wisconsin law enforcement officer in an emergency or at the request of the Wisconsin law enforcement officer. (c) A federal law enforcement officer acting under par. (b) has any immunity from liability or limit on liability to the same extent as a Wisconsin law enforcement officer. (d) No federal law enforcement officer, acting solely under the authority under par. (b), may be considered, for liability purposes, as an employee or agent of this state or any Wisconsin law enforcement agency for his or her actions within this state. The federal law enforcement officer is considered as continuing to be an employee of the agency employing him or her. (e) This subsection does not limit any authority to act that a federal law enforcement officer has under federal law. **History:** 1981 c. 324; 1987 a. 231, 399, 403; 1991 a. 135; 1993 a. 98, 407; 1995 a. 337. A motorist, injured while fleeing police was, as matter of law, more negligent than pursuing officer. *Brunette v. Employers Mut. Liability Ins. Co.* 107 Wis. 2d 361, 320 N.W.2d 43 (Ct. App. 1982). To determine whether an officer acts in "fresh pursuit" under sub. (2) three criteria are considered: 1) whether officer acted without unnecessary delay; 2) whether pursuit is continuous; and 3) whether the time periods were reasonable. *City of Brookfield v. Collar*, 148 Wis. 2d 839, 436 N.W.2d 911 (Ct. App. 1989). Sub. (4) permits enforcement of one municipality's ordinance on the entire width of a boundary highway. *City of Brookfield v. Berghauer*, 170 Wis. 2d 603, 489 N.W.2d 695 (Ct. App. 1992). In addition to issuing a citation for an observed violation, an officer, after observing a traffic violation and pursuing the defendant into another jurisdiction where the stop was made, was entitled to question the defendant beyond the purpose for which the stop was made and to issue citations for other violations when additional suspicious factors came to the officer's attention during the stop. *State v. Haynes*, 2001 WI App 266, 248 Wis. 2d 724, 638 N.W.2d 82, 00-3083. Suppression is not required when a police officer acts without authority outside his or her jurisdiction. Suppression is not required except when evidence is obtained in violation of a constitutional right or in violation of a statute providing suppression as a remedy. *State v. Keith*, 2003 WI App 47, 260 Wis. 2d 592, 659 N.W.2d 403, 02-0583. *Municipal Police Officers Right to Stop and Arrest in Foreign Jurisdictions*. Kershek. Wis. Law. Dec. 1992.