

# Vehicle Pursuits (Reviewed 08/10/2022) (Revised 08/10/2022)

## 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 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.

### 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 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 the course of 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.

## 307.2 DEFINITIONS

Definitions related to this policy include:

**Close pursuit** - Allows a member of a duly organized peace unit from another state, who enters Wisconsin in close pursuit of a person they have probable cause to believe committed a felony in their home state, the same authority to arrest as a law enforcement officer of this state. All of our surrounding states (Minnesota, Michigan, Iowa, and Illinois) have a comparable law and therefore, a Wisconsin Officer may in close pursuit of a felon, go into those states to make an arrest.

**Channelization** - A technique used to divert a driver to a preferred location. The goal is to leave the driver with only one available route to travel, by blocking off alternatives. The number of squads required depends on the number of alternative routes that must be blocked. It can also be used to keep other traffic out of the area.

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**Due regard** - A phrase implying that a reasonably careful person, performing similar duties and acting under similar circumstances, would act in the same manner.

**Fresh pursuit** - Pursuit by a law enforcement officer of someone they have probable cause to believe has violated any law or ordinance the Officer is authorized to enforce. When in fresh pursuit, an Officer may follow anywhere in the state and arrest any person for violation of any law or ordinance the Officer is authorized to enforce.

**Moving roadblock (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.

**Ramming** - Involves the pursuing Officer using their 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. It should only be used if all other options are exhausted.

**Roadblock (escape route)** - An "Induce to Stop" tactic designed to convince a fleeing driver to stop rather than force them to stop. An escape route shall exist should the driver choose not to stop.

**Roadblock (no escape route)** - A "Force to Stop" tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle. It is designed to present a fleeing driver with only two possible courses of action; stop and surrender or crash.

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

**Vehicle pursuit** - An active attempt by a traffic officer in a police vehicle to apprehend one or more occupants of a moving motor vehicle, the operator of which is resisting apprehension by disregarding the Officer's visual or audible signal to stop their vehicle, increasing the speed of the vehicle or extinguishing the lights of the vehicle. (Wis. Stat. § 85.07(8)(a)).

### **307.3 OFFICER RESPONSIBILITIES**

It is the policy of this department 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 Officers 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**

Officers 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)).

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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 crime and its relationship to community safety.
- (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 Officers, 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.
- (f) The pursuing Officer'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 Officers 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, such as tire deflation devices, or other better suited pursuit rated marked squads.
- (l) The police unit is carrying passengers other than on-duty Police Officer/s. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

#### 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 Officer 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)).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of

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all persons and does not protect the driver from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

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 Officers 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 pursued vehicle's location is no longer definitely known.
- (c) The Officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) 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)).
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) The hazards to uninvolved bystanders or motorists.
- (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, Officers 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 or authorized law enforcement officer.
- (i) When it is necessary to stop to render aid to an injured person and no other Officer is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

#### 307.3.3 SPEED FACTORS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the Officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle (Wis. Stat. § 346.03(6)).

Should high vehicle speeds be reached during a pursuit, Officers and supervisors will also consider these factors when determining the reasonableness of the speed of the pursuit.

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the Officer.

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- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

#### **307.4 PURSUIT UNITS**

Pursuit units should be limited to three vehicles. However, the number of units involved will vary with the circumstances.

An Officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of Officers involved would be insufficient to safely arrest the suspect. All other Officers shall stay out of the pursuit but should remain alert to its progress and location. Any Officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Unmarked non-pursuit rated vehicles shall not actively participate in direct pursuit except in an extreme emergency. These vehicles may actively participate in a pursuit only where the occupants of the fleeing vehicle pose an imminent significant threat of death or great bodily harm to the public unless immediately apprehended. The threat to the public posed by the suspects must be for reasons unrelated to the actual pursuit. Under the aforementioned circumstances, unmarked non-pursuit rated vehicles shall actively participate only until a distinctively marked pursuit rated patrol vehicle can join and take over the active pursuit. Officers operating these unmarked non-pursuit rated vehicles will terminate the pursuit after being relieved by a distinctly marked pursuit rated vehicle. Officers operating these unmarked non-pursuit rated vehicles may assist in a non-pursuit capacity by positioning themselves for surveillance of possible escape routes or to assist in the actual physical apprehension of the suspects if the fleeing vehicle is successfully stopped. Unmarked non-pursuit rated vehicles will only operate within the capabilities of the vehicle and the driver.

Distinctively marked pursuit rated patrol vehicles should replace unmarked pursuit rated vehicles involved in a pursuit whenever practicable.

##### **307.4.1 MOTORCYCLE OFFICERS**

Motorcycles shall not actively participate in direct pursuit except in an extreme emergency. Motorcycles may actively participate in a pursuit only where the occupants of the fleeing vehicle pose an imminent significant threat of death or great bodily harm to the public unless immediately apprehended. The threat to the public posed by the suspects must be for reasons unrelated to the actual pursuit. Under the aforementioned circumstances, motorcycles shall actively participate only until a distinctively marked pursuit rated patrol vehicle can join and take over the active pursuit. A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable. Officers operating these motorcycles will terminate the pursuit after being relieved by a distinctly marked pursuit rated vehicle. Officers operating these motorcycles may assist in a non-pursuit capacity by positioning themselves for surveillance of possible escape routes or to assist in the actual physical apprehension of the suspects if the fleeing vehicle is successfully stopped. Motorcycles will only operate within the capabilities of the motorcycle and the driver.

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#### 307.4.2 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. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

#### 307.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing Officer 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 responsibility of the Officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Fond du Lac County Communications Center, 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.
- (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.

Unless relieved by a supervisor or secondary unit, the Officer in the primary unit will be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, 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.

#### 307.4.4 SECONDARY UNIT RESPONSIBILITIES

The second Officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of their entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary Officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

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#### **307.4.5 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:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat. § 346.03 (2)(b)).
- (c) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (d) 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:
  - 1. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
  - 2. Requesting other units to observe exits available to the suspect.
- (e) Notifying the Wisconsin State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved Officers.

#### **307.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road unless objectively reasonable circumstances warrant an emergency response.

#### **307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

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The Shift Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and will be in overall command and responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved Officers and Fond du Lac County Communications Center 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 department guidelines and requirements of this policy.
- (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 their judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage FDLPD units when a pursuit enters another jurisdiction.
- (i) Initiate the pursuit review process outlined in this policy.

The Shift Commander shall notify the Assistant Chief of Police/ Operations as soon as practical, review all pertinent reports for content, and complete the Blue Team Vehicle Pursuit Tracking Form.

### **307.6 COMMUNICATIONS**

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

#### **307.6.1 FOND DU LAC COUNTY COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, Fond du Lac County Communications Center will be responsible for:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Notifying and coordinating with other involved or affected agencies as practicable.
- (c) Assigning an incident number and logging all pursuit activities.
- (d) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (e) Notifying the Shift Commander as soon as practicable.



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#### **307.6.2 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **307.7 INTERJURISDICTIONAL CONSIDERATIONS**

When a 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. 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.

##### **307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Fond du Lac Police Department Officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Fond du Lac Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

The role and responsibilities of Officers at the termination of a pursuit that was initiated by this department 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. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

##### **307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this 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.

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- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing Officers.

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.

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

In the event that a pursuit from another agency terminates within this jurisdiction, Officers will 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 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, blocking, boxing-in, PIT, ramming or roadblock procedures. If a fleeing driver, lawfully pursued in accordance with this policy, refuses to stop, Officers may employ various options to stop the vehicle. Officers shall use only the amount and level of force that is objectively reasonable to control the situation, effect an arrest or seizure, or stop the vehicle.

Intervention options shall be placed into two categories, induce-to-stop and force-to stop.

Induce-to-stop techniques are designed to persuade a driver to stop. They represent control or protective alternatives. They shall include:

- a. Tire deflation devices (Control Alternative).
- b. Channelization (Control Alternative).
- c. Moving roadblock (boxing-in) (Protective Alternative).
- d. Roadblock (escape route) (Protective Alternative).

Force-to-stop techniques are considered deadly force alternatives. They afford the driver only two options, surrender or crash. They shall include:

- a. Ramming.
- b. Roadblock (no escape route).
- c. Shooting at or from a moving vehicle.

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### 307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor who is monitoring the pursuit. In deciding whether to use intervention tactics, Officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the Officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the Officer at the time of the decision. Application of a force-to-stop technique must also meet the requirements for the use of deadly force.

### 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. Officers 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 Officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon. The act of shooting at or from a moving vehicle shall be prohibited if it creates an unreasonable risk to the officer or others.

### 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 Officers, 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. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) **Tire deflation devices** - Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of a tire deflation device, the Officer shall notify pursuing units and the supervisor of the intent and location. Tire deflation devices should be deployed on a straight and level roadway with adequate sight and stopping distance behind the area where the device is deployed. 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 (two or three wheeled) a vehicle 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.
- (b) **Channelization** - Channelization is a control alternative designed to deliberately divert or redirect a suspect vehicle into a given path or location by using stationary objects in the current or anticipated path of the vehicle. This technique may be used to direct the suspect away from populated areas, high traffic areas, or intersections, or to areas such as dead end roads or those more conducive to induce-to-stop or force-to-stop tactics. Sufficient warning and adequate distance should be provided to permit the driver to avoid the blocked road and choose the preferred route.
- (c) **Moving roadblock (Boxing-in)** - A moving roadblock is considered a protective alternative designed to box in a suspect vehicle. Moving roadblocks are extremely hazardous and shall not be used if high speeds are involved in the pursuit. Moving

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roadblocks may be used when low speeds, 30 M.P.H. or less are involved. If the occupants of the fleeing vehicle are believed to be armed with a firearm a moving roadblock should be avoided or aborted. As with all intervention techniques, pursuing Officers 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 Officers, the public and occupants of the pursued vehicle.

- (d) **Roadblock (escape route)** - A partial roadblock is a protective alternative designed to impede the fleeing vehicle and induce the suspect driver to stop. The presence of vehicular or pedestrian traffic, weather conditions, visibility, time of day, and physical aspects of the roadway shall all be considered to choose a location that affords the greatest degree of safety. Roadblock locations shall be selected so as to provide approaching vehicles adequate time and distance to stop and avoid a collision. The location should be on a straight and level roadway with no sight obstructions.
- (e) **Ramming** - Ramming a fleeing vehicle should be done only after other reasonable tactical means at the Officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method (last resort). When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
  - 1. The occupants of the vehicle are reasonably believed to have been involved in the commission of a dangerous felony involving the use or threatened use of deadly force.
  - 2. The continued operation of the fleeing vehicle creates a substantial risk of death or great bodily harm to the public that would be alleviated by terminating the pursuit.
  - 3. The occupants of the fleeing vehicle pose a significant threat of death or great bodily harm to the public for reasons unrelated to the pursuit if not immediately apprehended.
  - 4. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (f) **Roadblock (no escape route)** - 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. Roadblocks 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, Officers or other members of the public.
- (g) **Shooting at or from a moving vehicle** - Shots fired at or from a moving vehicle are rarely effective. An Officer should move out of the path of an approaching vehicle instead of discharging their firearm at a moving vehicle or any of its occupants. An

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Officer should only discharge a firearm at a moving vehicle or its occupants when the Officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the Officer or others. An Officer may only shoot at or from a moving vehicle under any of the following circumstances:

1. As a last resort, in the defense of one's self, or another person, when the Officer reasonably believes themselves, or another person, is in imminent danger of death or great bodily harm.
2. As the final alternative, to effect an arrest or prevent the escape of a fleeing felon whom the Officer reasonably believes has committed a felony involving the actual or threatened use of deadly force. The Officer shall also have probable cause to believe the suspected felon poses an imminent threat of death or great bodily harm to the Officer, or others, if not immediately apprehended.

#### **307.8.4 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary Officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved Officers when formulating plans to contain and capture the suspect.

#### **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 officer shall complete appropriate incident reports.
- (b) The on-duty supervisor shall complete the Blue Team Pursuit Tracking Form.
- (c) After first obtaining available information, the on-duty supervisor shall promptly complete a memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This memo should minimally contain the following information:
  1. Date and time of pursuit.
  2. Length of pursuit in distance and time.
  3. Involved units and Officers.
  4. Initial reason and circumstances surrounding the pursuit.
  5. Starting and termination points.
  6. Alleged offense, charges filed or disposition: arrest, citation or other release.
  7. Arrestee information should be provided if applicable.
  8. Injuries and/or property damage.
  9. Medical treatment.

# Fond du Lac Police Department

## Policy Manual

### *Vehicle Pursuits (Reviewed 08/10/2022) (Revised 08/10/2022)*

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10. The outcome of the pursuit.
  11. Name of supervisor handling or at the scene.
  12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs, Blue Team Pursuit Tracking Form, and other pertinent information, the Assistant Chief of Police/ Administration 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 Assistant Chief of Police/ Administration or the authorized designee shall direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).
- (f) The Commander of Support Services shall ensure information on vehicle pursuits engaged in during the previous 12 months were transmitted to the Wisconsin State Patrol/Department of Transportation via Badger TraCS (Traffic and Criminal Software) system's Law Enforcement Pursuit Report no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):
1. The circumstances of the vehicle pursuit, including the distance, location and maximum speed.
  2. The reasons for initiating the vehicle pursuit.
  3. The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

#### 307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will participate, no less than biennially, in at least four hours of training addressing this policy, pursuit guidelines, driving techniques, new technology and the importance of vehicle safety and protecting the public at all times. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to Officers and others. At least four hours of the training curriculum will be based on the model standards promulgated by the Law Enforcement Standards Board (LESB) and shall be delivered by a LESB-certified Emergency Vehicle Operations and Control (EVOC) instructor (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

#### 307.9.2 POLICY REVIEW

Certified members of this department shall certify in writing (electronic acknowledgement) that they have received, read and understand this policy initially and upon any amendments (Wis. Stat. § 346.03(6)).