



# POLICY & PROCEDURE

## UW-GREEN BAY POLICE DEPARTMENT

<b>SUBJECT:</b>	Pursuit and Emergency Vehicle Operations	<b>SCOPE:</b>	All Employees
<b>CHAPTER:</b>	Operations	<b>NUMBER:</b>	6.1.4
<b>DISTRIBUTION:</b>	Policy Manual	<b>EFFECTIVE:</b>	01/28/2012
<b>APPROVED:</b>	Tony Decker, Chief of Police	<b>REVIEWED:</b>	06/20/2012
<b>REFERENCE:</b>	<i>§346.03, §346.04, 5.1.1 Use of Force,</i>	<b>REVISED:</b>	05/06/2016, 05/01/2020, 05/01/2022

### I. PURPOSE

**This policy is mandated by State Statute §346.03(6).**

The purpose of this document is to establish a policy for the operation and use of emergency vehicles by employees of the University of Wisconsin Green Bay Police Department. The use of police emergency vehicles for routine duties, pursuits, roadblocks, silent responses to crimes, escorts of other vehicles, and transportation of sick and/or injured persons will be addressed in this policy.

### II. POLICY

It is the policy of the University of Wisconsin Green Bay Police Department that police vehicles shall be operated in a safe manner. The operation of police vehicles, whether or not emergency equipment is activated, shall always be done with due regard for the safety of all persons.

Members of this department shall comply with all applicable State and local traffic laws or regulations and the requirements of this policy. Additionally, members of this department shall understand and comply with any Brown County Memorandums of Understanding relating to pursuits crossing jurisdictional boundaries.

### III. DEFINITIONS

- A. **Assisting Unit:** A police unit that assists the primary unit in a vehicle pursuit. Assistance may be in the form of direct or indirect involvement.
- B. **Authorized Emergency Vehicles (Equipment):** Authorized vehicles equipped with one or more flashing, oscillating, or rotating red and/or blue lights and a siren as required by law.
- C. **Channelization:** A technique used to divert a vehicle 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.

- D. Controlled Tire-Deflation Device: Equipment designed to cause the tires of any vehicle driving over them to deflate making continued travel slower, more difficult, or impossible.
- E. Due Regard: A phrase implying that a reasonably careful person, performing similar duties and acting under similar circumstances, would act in the same manner.
- F. Emergency Vehicle: Vehicles designated or authorized as such per *340.01(3) Wis. Stats.*
- G. Emergency Driving: The operation of an authorized emergency vehicle while exercising the privilege provided in *§346.03 Wis. Stats.* in response to a true emergency or the pursuit of an actual or suspected violator of the law.
- H. Force-to-stop: A technique intended to present a fleeing driver only two options; surrender or crash. This is considered an application of deadly force.
- I. Induce-to-stop: A technique intended to induce, but not force, a fleeing driver to stop. These techniques make it more difficult to flee, but not impossible.
- J. Marked Police Vehicle: A department authorized emergency vehicle with identifying "Police" emblems displayed on the exterior of both the driver and passenger sides of the vehicle.
- K. Pursuit Intervention Technique (P.I.T.) Maneuver – An induce to stop tactic where a police vehicle comes into controlled contact with the rear portion of a fleeing vehicle and pushes it laterally, in an effort to induce the fleeing vehicle to abruptly turn and loose directional control and come to a stop.
- L. Primary Unit: The police unit that initiates a vehicle pursuit or a police unit that assumes control of the pursuit.
- M. Ramming: The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.
- N. Roadblock (*no escape route*): In a roadblock with no escape route, the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, he or she will crash, with great potential for injury to the suspect and others in the area.
- O. Roadblock (*with escape route*): The placement of vehicles or other objects on the roadway to impede or alter the normal flow of traffic. In a roadblock with an escape route, the roadway is either not completely blocked or an alternate "escape route" is provided.
- P. Roadblock (*moving*): A technique where the suspect vehicle is surrounded by three squad cars—one in front, one in back, and one to the side (just behind the

driver door). Once in position, the squads gradually slow, bringing the suspect vehicle to a safe, gradual stop.

- Q. Roadway: The improved portion of a highway, which is designed or ordinarily used for vehicular travel, exclusive of the shoulder.
- R. True Emergency: A situation in which there is a high probability of death, serious injury, or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation.
- S. Vehicle Pursuit: An active attempt by an on-duty law enforcement officer in an authorized law enforcement vehicle to apprehend one or more occupants of a moving motor vehicle when the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his or her speed or by ignoring the law enforcement attempt to stop him or her.

#### IV. PROCEDURE

##### A. Use of Authorized Emergency Equipment on Police Vehicles.

1. Officers shall use red and blue emergency lights and sirens whenever engaged in emergency or pursuit driving, with the exception of gathering evidence of speeding violations or silent responses to felony in progress calls, as authorized by state statutes and this policy.
2. Emergency lights alone may be used in an initial attempt to affect a traffic stop. The siren shall be promptly activated if the target vehicle fails to respond, increases speed, or otherwise fails to obey the initial visual signal to stop.
3. "Take-down" lights, side "alley" lights, and spotlights may be used by officers at their discretion for visibility purposes but should not be used to blind or obstruct the vision of other motorists, including the driver of an eluding/fleeing vehicle.

##### B. Authorized Vehicle Exemptions to Traffic Laws

1. §346.03 Wis. Stats. states when an officer is making an emergency response, he or she is privileged to violate certain traffic laws—with certain limitations. When acting in an official capacity to achieve a legitimate law enforcement objective, officers can engage in driving conduct that would otherwise be unlawful.
2. In accordance with §346.03(4) Wis. Stats. officers may exceed the speed limit without using emergency lights and siren when obtaining evidence of a speeding violation or when responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes knowledge of the officer's presence may:
  - a. Endanger the safety of a victim or other person; or



- b. Cause the suspect to evade apprehension; or
  - c. Cause the suspect to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony;
3. Once the speeding violation referred to in subsection 2. above has been established, there is no longer a privilege to operate without emergency lights and siren activated.
  4. The exemptions granted by statute and outlined above in section B. subsections 1 and 2, do not relieve officers from the duty to park and drive with due regard.

C. Emergency Driving Guidelines

1. The decision to engage in emergency driving shall be based upon the totality of circumstances known to the responding officer. These circumstances must lead the officer to conclude the situation meets the criteria set forth under §346.03(1), *Wis. Stats.*
2. The extent to which officers utilize privilege under §346.03 *Wis. Stats.* while engaged in emergency driving shall be based on a risk assessment that considers the following factors:
  - a. Road, weather, and visibility conditions.
  - b. Density of population in the area including the presence and amount of pedestrian and vehicular traffic.
  - c. The severity of the incident and/or offense
3. In all cases, officers engaged in emergency driving should ensure the risks associated with using privilege under §346.03 *Wis. Stats.* do not outweigh the benefits of doing so.

D. Pursuit Guidelines and Procedures

1. If, upon giving a lawful visual and audible signal to stop, it becomes apparent the person whom an officer is attempting to apprehend is both aware of the efforts and resists by engaging in evasive driving behaviors, the pursuit guidelines enumerated in this section shall be adhered to.
2. §346.03(1), *Wis. Stats.*, does not relieve an officer from the duty to drive with due regard nor protect the officer from the consequences of their disregard for the safety of others.
3. Officers may initiate or continue a pursuit if they objectively evaluate the situation and reasonably believe the value of apprehending of the suspect



is greater than risk posed to the public and the following conditions have been satisfied:

- a. The driving behavior of the eluding individual **is not** posing an unreasonable risk to the public. The following driving behaviors are known to substantially increase risk to the public:
    - a. Movement into occupied oncoming lanes of traffic
    - b. Extreme speeds (20 mph or more over posted limit)
    - c. Loss of vehicular control, due to recklessness
    - d. Blatant disregard of signs/signals controlling the movement of traffic at intersections.
  - b. The road, weather, and visibility conditions are not creating a high probability that a crash will result if the pursuit is initiated or allowed to continue.
  - c. The day of week, time of day, and density of population in the area, including pedestrian and/or vehicular traffic, is not creating an unreasonable risk to the public.
  - d. The apparent abilities of the pursued driver, or the condition of the pursued vehicle, do not create an unreasonable risk to the public or the person fleeing.
  - e. The risk associated with the pursuit and not making an immediate apprehension is reasonably believed to be greater than waiting for a later apprehension, even when the operator is known.
4. If a pursuit is initiated the assessment of factors identified in subsection 3 above must be constantly reassessed, and the pursuit terminated if at any point in time those conditions can no longer be satisfied.
5. Under certain circumstances the risk associated with failing to apprehend a fleeing suspect is so great that additional risks incurred when subsection 3 is NOT satisfied maybe justified. The following circumstances may justify increased risk, but **do not** relieve the officer from the duty to continually balance the risk against the need for apprehension and their requirement to drive with due regard.
- a. There is probable cause to believe the suspect has committed or is attempting to commit a dangerous felony involving the use or threatened use of a dangerous weapon or physical force likely to cause death or great bodily harm.
  - b. The subject's actions hold a high probability of death or great bodily harm if not stopped immediately. Driving behaviors exhibited only after an attempt to stop as part of an attempt to elude shall not justify continuation of a pursuit under this section.

- c. The suspect, if allowed to escape, poses a significant threat of death or great bodily harm to the public.
6. Emergency lights and sirens shall be utilized by all emergency vehicles involved in a pursuit.
7. No more than three (3) police vehicles shall be in direct pursuit of the suspect vehicle at any time. This shall include police vehicles from other agencies that pursue a vehicle into our primary jurisdiction or join a pursuit initiated by this department that enters another jurisdiction.
8. Unmarked police vehicles shall not actively participate in direct pursuit except in an extreme emergency. These vehicles may actively participate in direct pursuit only where the occupants of the fleeing vehicle pose a significant threat of death or great bodily harm to the public.
  - a. Under the aforementioned circumstances, unmarked vehicles shall actively participate only until a sufficient number of marked cars can join and take over the active pursuit.
  - b. Officers operating unmarked vehicles may act as assisting units.
9. Officers shall not engage in a vehicle pursuit while there is a non-sworn passenger in the police vehicle, including but not limited to, persons arrested, victims, witnesses, ride-alongs, or non-sworn members of the department.
  - a. An officer may discharge these passengers from the police vehicle at a safe location and then engage per policy in the vehicle pursuit.
10. A supervisor, if available, shall monitor each pursuit to ensure compliance with policy, assess the conditions of the pursuit and its necessity, coordinate and direct additional resources, and shall terminate the pursuit if necessary.
  - a. The monitoring supervisor may act as an assisting unit, but should refrain if possible from taking direct action on the fleeing vehicle.
  - b. The supervisor of the pursuit or the pursuing officer shall be responsible for initiating a follow up review of the incident and that all mandatory reporting was completed.
11. A pursuit shall be terminated immediately, when:
  - a. In the judgment of the officer, it is necessary to terminate.
  - b. Directed by a supervisor.

- c. The conditions established in subsection 3 above, can no longer be satisfied.
- d. It becomes necessary for the pursuing officer to stop and render aid to an injured person and no other police unit is immediately available to do so.
- e. The distance between the pursuing and fleeing vehicles is such that further pursuit is futile.
- f. The officer's vehicle or emergency equipment fails.
- g. The pursued vehicle's location is unknown.
- h. The pursuit enters the jurisdiction of another agency and that agency either requests termination, indicates they will not assist in the pursuit, or both.

12. Upon termination of a pursuit, officers shall:

- a. Notify dispatch of the termination,
- b. Turn off emergency equipment,
- c. Adjust speed to 5 miles below the posted limit OR stop until the fleeing vehicle moves out of sight, whichever is safer. If the fleeing vehicle stops movement while within sight due to crash or abandonment, officers shall respond appropriately.
- d. Drive at speeds near the posted limit in the suspected direction of the fleeing vehicle for a reasonable distance to ensure the vehicle has not crashed, created secondary crashes, or hazards.

E. Officer's Actions upon Initiation of a Pursuit

- 1. Upon engaging in a pursuit, an officer shall immediately begin assessing the pursuit guidelines established in section D, 3, of this policy, and shall continue to do so for the duration of the pursuit.
- 2. An officer initiating a pursuit shall immediately notify dispatch of the following information:
  - a. That a pursuit is in progress.
  - b. The reason for the pursuit.
  - c. The officer's location and direction of travel.



- d. The description of the vehicle and its occupants.
- e. The estimated speed the vehicle is travelling.
3. Officer will be responsive to radio questions posed to them by dispatch, officers in charge, or supervisors of any agency.
4. The officer shall continually update dispatch on the progress of the pursuit, including changes in direction, speed, other driving behaviors, and additional identifying information of the fleeing vehicle or its occupants.
5. During the course of the pursuit, officers shall only use maneuvers or techniques they have been trained in and have been authorized by policy.

G. Assisting Officer's Responsibilities

1. Two assisting marked emergency vehicles may become involved in the pursuit, with no more than three (3) police vehicles in direct pursuit of the fleeing vehicle at any given time.
2. The assisting marked emergency vehicles with direct involvement in the pursuit may assume radio communication responsibility for the pursuit, conveying information to other units and dispatch.
3. Assisting officers not directly involved in the pursuit may:
  - a. Utilize an unmarked emergency vehicle
  - b. Take up position on possible routes of escape,
  - c. Set up on possible routes of travel to obtain the license number/description of the fleeing vehicle,
  - d. Parallel the pursuit route or trail the pursuit at a safe distance to provide assistance at the conclusion of the pursuit, or
  - e. If in a marked patrol vehicle, deploy roadblocks or controlled tire deflation devices according to guidelines established in this policy.

I. Pursuit into another Jurisdiction

1. When a pursuit proceeds into another jurisdiction, the following procedures will apply:
  - a. The actively pursuing vehicle shall notify the jurisdiction being entered of the pursuit and request any reasonable assistance including the use of authorized intervention devices or techniques.
  - b. Officers are bound by this policy at all times and shall act in

compliance regardless of the jurisdiction they are physically within.

J. Option for Stopping a Fleeing Vehicle

1. If a lawfully pursued fleeing driver refuses to stop, officers may use an amount of force that is objectively reasonable to control the situation, effect an arrest or seizure, and/or stop the vehicle.
2. Stopping Techniques are considered uses of force and as such their use must be objectively reasonable. When a use of force against a fleeing vehicle/operator is justified, there are two recognized types of vehicular stopping techniques; induce-to-stop techniques and force-to-stop. Both types involve risk to officers, the suspect, and the public and thus their use requires the careful balancing those risks against the risks of continuing the pursuit or simply allowing the suspect to escape.
  - a. Agency authorized induce-to-stop techniques are;
    1. Controlled tire deflation devices
    2. Channelization
    3. Road block (moving)
    4. Pursuit Intervention Technique (P.I.T.)
  - b. Force-to-stop techniques are considered deadly force as they afford the driver only two options, surrender or crash. They include:
    1. Ramming
    2. Shooting at or from a moving vehicle
3. Prior to using any intervention option designed to induce-to-stop a vehicle, officers shall make every effort to obtain authorization from a supervisor monitoring the pursuit. The application of a force-to-stop technique must meet the requirements for the use of deadly force, see *5.1.1 Use of Force* policy.
4. Controlled Tire Deflation Devices
  - a. A controlled tire deflation device is a control alternative.
  - b. Controlled tire deflation devices shall not be used on the following vehicles in motion unless continued movement would result in greater risk to others:
    1. Any two or three wheeled vehicle
    2. Any vehicle that would pose an unusual hazard, due to contents of cargo or high occupancy.
  - c. Controlled 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.

- d. Controlled tire deflation devices should be deployed from a position of cover capable of stopping a vehicle, or the officer should move to such a position upon deploying the device.
- e. Deploying officers shall notify pursuing police vehicles of the location of the controlled tire deflation device.
- f. Upon notification of a controlled tire deflation device deployment, pursuing officers should maintain sufficient distance from the pursued vehicle to permit removal of the device upon passage of the suspect vehicle.
- g. Any police vehicles positioned near the deployment area shall have emergency lights activated.
- j. No officer may deploy a controlled tire deflation device if they have not been trained in the deployment.
- k. Only controlled tire deflation devices approved by the department are authorized for use by officers.
- l. Controlled tire deflation devices may be used on a stationary vehicle to prevent it from being moved by a suspect attempting to flee a scene.
- m. If deployment of a tire deflation device results in damage to any vehicle or property other than the intended target, the deploying officer is responsible for proper documentation of damages and notification to a supervisor.

## 5. Channelization

- a. Channelization is a control alternative.
- b. Channelization may be accomplished with police vehicles or traffic control devices
- c. When police vehicles are being used for channelization, officers should position themselves outside and away from the vehicles being used.
- d. During channelization, sufficient visual warning and adequate distance should be provided to permit the driver to avoid the blocked road and choose the preferred route.

## 6. Roadblocks



- a. Roadblocks (no escape route) and Roadblocks (with escape route) are inherently dangerous and will not be used by members of this department unless justified as per *5.1.1 Use of Force*
  - b. Roadblocks (moving) when authorized shall be used as trained.
7. Pursuit Intervention Technique (P.I.T.)
- a. The P.I.T is not a primary tool for the termination of all pursuits. The use of the P.I.T. is only authorized when section D., 5. (re: increased risk acceptance) is applicable; as the risk associated with failing to apprehend the fleeing suspect outweighs the risk to the public.
  - b. The P.I.T shall only be utilized with incident specific authorization by a supervisor to an officer who has successfully completed training on the PIT.
  - c. The P.I.T should be utilized when three police vehicles are present, as the technique requires the contacting squad to drive through the contact. If successful, assisting officers should consider the need to use a high-risk vehicle contact.
  - d. The P.I.T shall only be utilized in locations consistent with training, which reduces risks to the suspect, officer, and public.
  - e. The P.I.T. shall not be utilized at speeds greater than 35 mph, on two- or three-wheel vehicles, against vehicles larger than the police vehicle, or vehicles with high centers of gravity such as pickup trucks and sport utility vehicle.
  - f. The justified application of deadly force (*see 5.1.1 Use of Force*) relieves an officer of any prohibitions or restriction listed in this section.

L. Vehicle Escorts, Emergency and Non-Emergency

- 1. Escort of *Civilian Vehicles in Medical Emergencies*
  - 1. Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and is not authorized.
  - 2. Officers who encounter situations where medical aid or transport is needed shall immediately render first aid, as appropriate, and shall summon medical assistance.
- 2. Escort of *Non-Emergency Vehicles*.
  - 1. Requests for routine, non-emergency escorts of dignitaries,

oversized vehicles, parades, special events or hazardous or unusual cargo shall be directed to the command staff for an appropriate decision.

2. If the request is approved, a member of the command staff will make arrangements to provide the escort services.
3. In the event the vehicles involved in the escort procession will exercise the privilege granted by *Wis. Stats, §346.03(2)(b)*, then the following conditions must be satisfied.
  1. The procession must be escorted by at least two marked police vehicles, one of which is leading the procession and one which is at the rear with emergency overhead lights engaged.

M. Training and Policy Review

1. On a biennial basis, every officer shall receive at least four (4) hours of training on police pursuit standards, guidelines, and driving techniques.
2. Emergency vehicle operations training shall minimally be based upon the model standards promulgated by the Wisconsin Law Enforcement Standards Board (LESB).
3. Officers will be provided access to any county wide Memorandum of Understandings regarding interagency pursuits or those that cross jurisdictional boundaries.



April 8, 2022

TONY DECKER, CHIEF OF POLICE

*This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.*

## OBJECTIVE RISK FACTORS IN VEHICLE PURSUITS

### High Risk:

- Frequent intersecting streets (i.e. business district)
- Poor weather, slippery streets, low visibility
- Blind curves, intersections, narrow roads
- Numerous pedestrians
- Heavy, congested traffic
- Speeds twice the posted limit, or greater than 80 mph
- Unmarked police squads, 4x4s, motorcycles
- Extremely hazardous maneuvers (i.e. driving against oncoming traffic, “busting” red lights) by the violator
- Numerous police vehicles in pursuit (above authorized number)
- Police Officer excited, not in full control of emotions
- No supervisor involved, or ineffective supervisory oversight
- Special circumstances (i.e. school zones, hospitals, etc)

### Moderate Risk:

- Some intersecting streets (i.e. residential area)
- Light pedestrian traffic
- Moderate traffic, light congestion
- Speeds 20 mph greater than the posted limit
- Police Officer generally calm, under control
- Some hazardous, but not extreme maneuvers (i.e. crossing center line to pass vehicles, sudden lane changes) by the violator
- Supervisor involved and effective
- Authorized number of police vehicles involved in the pursuit

### Low Risk:

- Marked vehicles
- Straight roads, good surface, clear lines of sight
- Few intersections
- Few or no pedestrians
- Good weather
- No hazardous maneuvers by violator
- Speeds at or less than 20 mph over the posted limit
- Supervisor involved and effective
- Authorized number of police vehicles involved in the pursuit
- Police Officer calm, in full control
- Lack of special circumstances (i.e. school zones, hospitals, etc.)



