



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

660 – VEHICLE PURSUITS

GENERAL ORDER: 2010 – 12

ISSUED: March 26, 2010

EFFECTIVE: March 26, 2010

ACTION: Amends General Order 2009-12 (March 12, 2009)

660.00 **PURPOSE**

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

660.05 **POLICY**

All personnel operating Department vehicles shall exercise **due regard** for the safety of all persons. There are no assignments or tasks of such importance that they justify the **reckless disregard** of the member's safety or the safety of other persons. Members must be mindful of the balance between achieving the goals of law enforcement while maintaining the public's safety.

660.10 **STATUTORY GUIDELINES**

- A. All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Police members engaged in emergency vehicle response shall simultaneously utilize **both** audible (siren) and visual (red/blue emergency light(s)) emergency warning equipment unless specifically exempted by statutes.
- B. A red strobe light(s) is/are furnished for every unmarked police squad. For maximum visibility at intersections and to avoid injuries, the red strobe light shall be used only on the roof of the squad. It shall not be used in the interior of the vehicle.
- C. Exemptions to the use of audible and visual emergency equipment are as follows:
 - 1. WI SS. 346.03(4)(a) Officers may exceed the speed limit without giving audible and visual signals when obtaining evidence of a speed violation.
 - 2. WI SS. 346.03(4)(b) Officers may exceed the speed limit without giving audible and visual signals when responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:

- a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
- b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
- c. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.
- d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

D. WI SS. 346.03(5)

“The exemptions granted the operator of an authorized emergency vehicle by Wisconsin statute do not relieve such operator from the duty to drive or ride with due regard under the circumstances for the safety of all persons, nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.”

E. WI SS. 346.04(3)

No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or the traffic officer or other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

660.15 DEFINITIONS

A. VEHICLE PURSUIT

1. **ELUDING / FLEEING**: An active attempt by one or more law enforcement officers to apprehend a suspect who is either an occupant of or operating a motor vehicle, during which time the operator of the motor vehicle is attempting to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, or making sudden or unexpected maneuvers.

2. REFUSAL TO STOP: An active attempt by one or more law enforcement officers to stop a motor vehicle by use of emergency lights and siren, during which time the operator of the motor vehicle is driving at a reasonable speed (i.e., at or below the established speed limit), but willfully refusing to pull over and stop.

B. PRIMARY PURSUING UNIT

The police unit that initiates a pursuit or any unit that actively assumes control of a pursuit by placing their vehicle in a “primary unit position” in relation to the suspect vehicle.

C. SECONDARY PURSUING UNIT

The police unit that actively participates in a pursuit and is positioned behind the primary unit. A vehicle will only be considered a “secondary unit” once acknowledged by the dispatcher as such. Additional secondary units may be approved by a supervisory officer.

D. PROBABLE CAUSE

Probable cause exists when the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime. **Probable cause is more than a hunch or reasonable suspicion.**

E. DUE REGARD

Due regard is the degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would show. There is no exception to the requirement that officer's demonstrate due regard for the safety of others. Failing to drive with due regard may subject a police member to civil and/or criminal liability in addition to other administrative consequences.

660.20 VEHICLE PURSUITS

A. Justification for engaging in a vehicle pursuit must be based on facts known by the police member when the decision is made to engage in a pursuit. Information not established as fact at the time the pursuit was initiated cannot be considered later in determining whether the pursuit was justified. In all instances of vehicle pursuits, the initiating officer must be able to clearly articulate the reason(s) why a pursuit was initiated.

- B. Vehicle pursuits are justified only when the police member knows or has probable cause to believe:
1. The occupant(s) has committed or is attempting to commit a violent felony (i.e. armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or
 2. The occupant(s) presents a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit.
 3. A ***“refusal to stop”*** pursuit, as previously defined within this policy, may be initiated and maintained for a lesser offense than described above. However, once the ***“refusal to stop”*** pursuit becomes an ***“eluding / fleeing”*** pursuit, as previously defined within this policy, justification for the pursuit must meet at least one of the criteria (subsection 1 or 2) above.

Note: *“Eluding / Fleeing”* pursuits are NOT authorized solely for traffic infractions, ordinance violations, misdemeanors, non-violent felonies, or based upon the mere fact that the vehicle is fleeing.

C. DECISION TO INITIATE VEHICLE PURSUITS

1. The decision to initiate a vehicle pursuit, which is limited by this policy, rests in the sole discretion of the individual police member. In order to diminish the likelihood of a pursuit, police members intending to stop a vehicle should, when practical, be within close proximity to the vehicle prior to activating the emergency lights and siren.
2. During the course of enforcement activities, incidents may escalate to a ***“refusal to stop”*** pursuit or to an ***“eluding / fleeing”*** pursuit. In either instance, vehicle pursuit policy and procedures apply.

D. PURSUIT PROCEDURES

1. The police member initiating a pursuit shall notify the Technical Communications Division as soon as reasonably possible that a pursuit is underway and provide the following information:
 - a. Police unit identification
 - b. Location, speed, and direction of travel
 - c. Reason for the pursuit
 - d. Pursued vehicle description, including license number, if known

- e. Number of occupants
 - f. Road conditions
 - g. Traffic density
2. Failure to provide the above information may be cause for the field supervisor to order termination of the pursuit. Police members involved in pursuits shall take necessary steps (i.e., roll windows up, operate the siren on “automatic”, etc.) to ensure the dispatcher understands their radio transmissions.
 3. Police members shall, as often as practicable, provide updated information to the dispatcher, such as the speed and direction of the suspect vehicle **and** the police vehicle, traffic density, and any other pertinent information.
 4. A field supervisor or higher authority **must** acknowledge that he/she is aware of and monitoring the pursuit as soon as practicable after a pursuit is initiated.
 5. If a supervisor fails to acknowledge the pursuit within a reasonable period of time after initiation, as determined by the Technical Communications Division supervisor, he/she shall terminate the pursuit.
 6. The primary unit shall bear operational responsibility for the pursuit unless relieved by a supervisor.
 7. No pursuits may be undertaken by a civilian operator or by a Department vehicle containing a citizen occupant, including but not limited to, arrestees, victims, witnesses, or civilian Department members.
 8. Unmarked police vehicles (provided the vehicle is equipped with emergency light(s) and siren) may initiate a vehicle pursuit. Whenever a marked vehicle becomes available to take over the pursuit as the primary unit, the unmarked vehicle shall withdraw from active pursuit.

Note: Only police members in marked police vehicles are authorized to charge persons with violations of Section 346.04(3) of the Wisconsin Vehicle Code (Fleeing or Attempting to Elude Police Officer).

9. Police motorcycles may participate in a vehicle pursuit only until a marked vehicle becomes available to take over the pursuit as the primary unit. The motorcycle shall then withdraw from active pursuit.
10. Seat belts shall be worn at all times, except when doing so would endanger the safety of the operator or another, or when he/she has provided medical certification that he/she is unable to do so.

E. DECISION TO CONTINUE PURSUIT

1. The authority of the primary unit to continue the pursuit is, at all times, subordinate to the command of:
 - a. The watch commander, if on duty.
 - b. His/her immediate district/division commander.
 - c. His/her immediate shift commander.
 - d. His/her immediate field supervisor.
 - e. The field supervisor assigned by Technical Communications Division in the event there is no district field supervisor available from the primary unit's district or division. The Technical Communications Division shall assign the most readily available field supervisor to monitor and supervise the vehicle pursuit.
 - f. Any supervisor of a higher rank.
2. The primary unit may maintain pursuit as long as it is safe to do so; until the primary unit determines to terminate the pursuit; until directed to terminate the pursuit by a supervisor; or until the suspect vehicle is stopped.
3. A police member who is engaged in a pursuit involving excessive emergency speed (i.e., generally more than 20 MPH over the established speed limit) and emergency driving tactics or techniques shall consider the following risk assessment criteria:
 - a. The danger created by the high-speed pursuit.
 - b. The nature of the violation.
 - c. The likelihood of successful apprehension.
 - d. The volume, type, speed and direction of the traffic.
 - e. The nature of the area, whether residential, commercial, school zone, open highway, etc.
 - f. The population density.
 - g. Familiarity with the roads.
 - h. The weather and road conditions; i.e., the width and curves of the roadway, stopping and sight distances.
 - i. The police member's driving skills and condition of the police vehicle.

F. DECISION TO TERMINATE THE PURSUIT

1. Police members who are engaged in a pursuit, and the field supervisor must continually evaluate the risk assessment criteria and determine whether the seriousness of the incident justifies continuing the pursuit.

2. When a decision is made to terminate a pursuit, police members shall:
 - a. Immediately pull over, turn off their emergency lights and siren, radio their position to the dispatcher, and verbally acknowledge the order to terminate the pursuit.
 - b. No longer follow the suspect vehicle, nor may they violate any traffic laws in an effort to catch up to, or parallel the suspect vehicle.
 - c. Remain at the termination point for the responding field supervisor so that a debrief may occur and the field supervisor can collect the necessary information in order to complete a pursuit report.
3. A vehicle pursuit **shall** be terminated by the pursuing police member or supervisor under any of the following circumstances:
 - a. If the reason(s) for the pursuit do not meet the established criteria in section 660.20 of this policy.
 - b. If the suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any exigent need for immediate apprehension.
 - c. If the prevailing traffic, roadway, or environmental conditions so enhance the risk involved in continuing the pursuit that termination is warranted.
 - d. If the pursued vehicle's location is no longer known or the distance between the police member and suspect is such that, in order to continue the pursuit, it would require exceptional speeds (i.e., generally more than 20 MPH over the established speed limit) that would place the police member and public in serious danger.
 - e. If the pursuing police member knows that the fleeing vehicle is being operated by a juvenile who is driving in such an unsafe manner that it is obvious the juvenile does not have the maturity to deal with the danger involved.
 - f. If the pursuing police member's vehicle or emergency equipment malfunctions.
 - g. If it is necessary to stop and render aid to one or more injured persons and no other unit is available to do so.
 - h. If directed to terminate the pursuit by a member of higher rank.

G. SECONDARY UNIT RESPONSIBILITY

1. Assistance will be coordinated by the Technical Communications Division. The field supervisor and primary unit will be advised of the identity and location of the secondary unit(s) who can assist.
2. **The active pursuit will normally involve no more than two units**, the primary unit and one secondary unit. If more assistance is specifically requested, the amount will be determined by:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. Whether the participating units have more than one officer.
 - d. Other clear and articulated facts that would warrant the increased number of units.
3. A supervisor may authorize more than two units to be in active pursuit. **All other available units shall remain aware of the direction and progress of the pursuit but shall not actively participate, and shall not respond to or parallel the pursuit on adjacent streets unless specifically authorized to do so.**
4. The secondary unit, upon joining the pursuit, shall as soon as practicable notify the Technical Communications Division of its identity. If the primary unit is a one-officer unit, the secondary unit should assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
5. The secondary unit(s) shall maintain a safe distance behind the primary unit, but be close enough to render backup assistance if required.
6. The secondary unit(s) shall avoid intersecting the path of a high-speed vehicle.
7. If the primary unit becomes disabled, the secondary unit shall become the primary unit. The Technical Communications Division shall advise the field supervisor and other approved units that a new secondary unit is needed and the next unit to join the pursuit will be designated the secondary unit.

H. TECHNICAL COMMUNICATIONS DIVISION RESPONSIBILITIES

1. Receive and record all incoming information on the pursuit and the pursued vehicle.

2. Notify the field supervisor of the pursuing police member that a pursuit has been initiated.
3. Patch the pursuit channel to the “Sheriff’s F-2” talk group to facilitate communications with other jurisdictions.
4. Clear the pursuit channel of any unnecessary traffic and broadcast “ATTENTION ALL UNITS, MILWAUKEE POLICE SQUAD # ___ IS IN PURSUIT.” The dispatcher shall then broadcast the following information:
 - a. Location, speed, and direction of travel.
 - b. Description of vehicle and occupants.
 - d. Reason for the pursuit.
 - e. Identity of primary unit, secondary unit, and additional squads, if authorized.
5. Control all radio communications during the pursuit.
6. Coordinate assistance under the direction of the field supervisor – or higher authority, if applicable.
7. Continue to monitor the pursuit until it has been terminated.
8. Notify neighboring agencies, if applicable.
9. Notify adjoining district (if not on same radio frequency) if chase is nearing or entering that district.
10. Notify the command and management staff via “*CityWatch*” of all pursuits that exceed five minutes in length. Additional “*CityWatch*” updates shall be sent every 5 minutes until the pursuit has been terminated.

I. FIELD SUPERVISOR'S RESPONSIBILITIES

1. The primary responsibility of the field supervisor is to direct the primary and secondary unit(s) in a pursuit and, most importantly, in the decision whether or not to terminate the pursuit.
2. The field supervisor shall assess the necessity of the pursuit in progress, using the considerations regarding continuation of the pursuit, and should give strong and continuing consideration to terminating the pursuit, if, in his/her judgment, the necessity of apprehension is outweighed by the level of danger. Upon being notified of the pursuit, the field supervisor shall verify the following:

- a. That no more than the required or necessary units are involved in the pursuit.
 - b. That the proper radio frequency is being used.
3. The field supervisor shall continue to direct the pursuit, approve, or order those alternative tactics that he/she is authorized to approve, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or secondary unit, the field supervisor should order termination of the pursuit.
 4. The assigned field supervisor shall immediately proceed to the termination point to provide guidance and necessary supervision.

J. LIMITATIONS ON EMERGENCY VEHICLE PURSUITS AND TACTICS

1. POLICE VEHICLE SPEED

Pursuing members must at all times recognize the threat to the general public represented by a high-speed pursuit. **The suspect vehicle's speed does not automatically justify a police member matching that speed.** Generally, when a police member exceeds 20 MPH beyond the established speed limit, the pursuing member(s) and field supervisor shall consider the established risk assessment criteria, giving preeminent consideration to the danger created by continuing the pursuit. This applies to all units engaged in or responding to the pursuit.

2. INTERVENTION OPTIONS

In the course of a vehicle pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, driving alongside the pursued vehicle while it is in motion, or the use of roadblocks **is the functional equivalent of using deadly force** and therefore, such tactics shall only be implemented when the use of deadly force would otherwise be justified.

3. PASSING

Passing of field units involved in the pursuit is prohibited unless the operator of the passing vehicle receives specific permission from the primary unit or the field supervisor.

4. DISTANCE

Spacing, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall be at a distance that will allow for proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

5. DIRECTION (WRONG WAY)

Police members shall not pursue suspects the wrong way on interstate or other controlled access highways or divided roadways unless specifically authorized by the field supervisor or higher authority.

6. SUSPECT'S DRIVING

Reckless or hazardous driving maneuvers by the suspect vehicle shall not be duplicated by any pursuing vehicle.

K. REPORT REQUIRED

1. The dispatcher shall dispatch a supervisor to the termination point of the pursuit if one has not responded. The supervisor shall then complete a motor vehicle pursuit report, via the AIM system, regardless of how the pursuit was terminated. After a review by the commanding officer of the work location that initiated the pursuit, these reports shall be forwarded directly to the appropriate supervisor of the Professional Performance Division.
2. If there are serious injuries requiring admission to a hospital or if death occurs as a result of a pursuit, the commanding officer shall forward the reports via the AIM system to their respective bureau commander. Commanding officers may, at any other time they believe notification to their bureau commander is warranted, forward pursuit reports to their bureau commander.

660.25 INTER-JURISDICTION VEHICLE PURSUITS

A. PURPOSE

The purpose of this section is to establish guidelines for radio communications when it appears an MPD vehicle pursuit is approaching another jurisdiction or when an outside agency vehicle pursuit is approaching the City of Milwaukee.

B. GENERAL COMMUNICATIONS GUIDELINES

1. The Milwaukee County Sheriff Department (MCSO) has authorized the use of "Sheriff's F-2" on the Milwaukee County 800 MHz radio system as the communication frequency to be used during a vehicle pursuit that is likely to enter or has entered another jurisdiction.
2. Dispatching and the management of the incident shall remain the responsibility of the initiating agency, unless another jurisdiction has taken over the pursuit.
3. The MCSO Dispatch Center's responsibilities during a pursuit initiated by another agency will generally be limited to restricting the use of "Sheriff's F-2" by other users.
4. As soon as possible after the termination of the active pursuit stage, the use of "Sheriff's F-2" should conclude. Mobile units should return to their primary frequency, talk group channels, or one of the four countywide mutual aid talk groups.
5. When "Sheriff's F-2" is being used for a pursuit, the primary contact point for initial inter-agency communications automatically switches to "County 1".
6. When involved in an inter-agency pursuit, police members shall begin each transmission with their agency name.

C. MPD VEHICLE PURSUIT ENTERING ANOTHER JURISDICTION

1. Should an MPD vehicle pursuit cross the City of Milwaukee boundary and enter into another jurisdiction, the primary and secondary unit(s), the managing supervisor, and the watch commander, if on-duty, are authorized to leave the City and continue the pursuit.
2. The Technical Communications Division shall initiate the "Sheriff's F-2" patch to initiate interoperable communications.
3. The pursuing police member shall begin radio transmissions with MILWAUKEE POLICE SQUAD # ___ and continue to broadcast the pursuit information as necessary with regard to changes in location, speed, direction of travel, and the reason(s) for the pursuit.

4. If the pursuit appears to be proceeding into another jurisdiction that is unaware of the pursuit, the Technical Communications Division shall contact the appropriate jurisdiction by telephone and notify them of the pursuit.
5. The MPD supervisor shall, at all times, remain in command of MPD personnel if the pursuit enters another jurisdiction. Supervisors from other agencies are responsible for their personnel and for following their individual agency's policies and procedures.
6. If, during the pursuit, the primary and secondary roles are relinquished to another jurisdiction, operational command of the pursuit shall also be turned over to a supervisor of that jurisdiction.

D. OUTSIDE AGENCY VEHICLE PURSUIT ENTERING THE CITY OF MILWAUKEE

1. Should another agency's vehicle pursuit enter into the City of Milwaukee, Department members shall **not** actively engage in the pursuit unless the initiating agency requests our assistance. If assistance is requested, MPD supervisors shall have the final authority over the involvement, if any, of MPD members in outside agency pursuits. MPD members must have supervisory approval to actively participate in an outside agency vehicle pursuit occurring in the City of Milwaukee. **Active participation in another jurisdiction's pursuit, whether as a primary or secondary unit, must be justified based upon the Department's established pursuit guidelines (see section 660.20).**
2. The Technical Communications Division will patch the pursuit channel/talk group to the "Sheriff's F2" talk group to facilitate communications with the outside agency and the MPD.
3. Police members shall monitor the location of the pursuit and assist with traffic control along the path of an outside agency pursuit in order to promote public safety. In addition, police members shall provide assistance at the point of termination, to include suspect apprehension, accident investigation, perimeter containment, area searches, etc.
4. MPD supervisors may, at any time, withdraw MPD members from participation in a pursuit initiated by another jurisdiction.

E. COORDINATION AND REPORTING

1. Supervisory personnel from pursuing and assisting agencies shall coordinate the post-pursuit details and reporting.
2. It is the responsibility of the initiating agency to report any inter-agency pursuit per statutory guidelines.

660.30 EMERGENCY OPERATION PROCEDURES**A. EMERGENCY CALL RESPONSE MODES**

Police members shall use emergency warning equipment in accordance with applicable statutes.

1. Technical Communications Division personnel assigning police members to respond to calls for assistance may, in addition to providing all other pertinent information, designate the response mode to notify the assigned police member of the seriousness of the situation.
2. The district commanding officer or watch commander may override the direction of Technical Communications Division personnel and order a police member to use a different response mode if deemed to be necessary under the circumstances.

B. REQUESTS FOR ADDITIONAL PATROL UNITS

1. When a police member in the field is involved in any situation where help is needed, they must be aware that a nonspecific request will result in an uncoordinated response. This may result in a greater hazard to life and property than the originating incident. This hazard may be minimized when possible by giving the following information:
 - a. Unit number
 - b. Exact location
 - c. Reason for the request
 - d. Specify "emergency" if required (10-17)
 - e. Specify "backup" if routine
 - f. Number of units required to handle situation
 - g. Safe entry route
 - h. Description of suspects and direction of travel

2. The police member making the request shall remain near the radio long enough to determine if the call has been received by the Technical Communications Division. Additionally, the police member shall establish a radio command post as soon as possible to provide status reports, coordinate the efforts of arriving units, and confirm that adequate assistance actually arrives.
3. All responding units shall identify themselves to the dispatcher.
4. Primary response units shall proceed to the designated location/command post in accordance with the response mode specified. They shall give the Technical Communications Division an estimated time of arrival based on distance, traffic, and weather conditions.
5. Primary response units shall immediately notify the Technical Communications Division upon arrival at the scene and provide a status report as soon as possible.
6. Upon receipt of a termination notice, responding units shall discontinue emergency operation and return to their assigned area unless specifically requested to continue to the location under normal driving conditions.

C. TECHNICAL COMMUNICATIONS DIVISION RESPONSIBILITIES

1. Receive and record all incoming information on the call for assistance.
2. Dispatch appropriate field personnel and notify the field supervisor of action taken.
3. Control all radio communications during the emergency.
4. Coordinate assistance under the direction of the field supervisor.
5. Continue to monitor the situation until it has stabilized or terminated.

D. SUPERVISORY RESPONSIBILITIES

1. The field supervisor, upon notification of a request for emergency assistance, shall note the classification/designation assigned by the Technical Communications Division, and shall change the directed response mode if a different response mode is called for.
2. The field supervisor shall monitor the response until it has stabilized or terminated and assert control by directing specific units into or out of the response if necessary.

3. Upon being notified that an emergency response has been initiated, the field supervisor shall verify the following:
 - a. Proper response classification has been made.
 - b. No more than the required number of units is involved in the response.
 - c. The shift commander and affected allied agencies are being notified.

EDWARD A. FLYNN
CHIEF OF POLICE

EAF:GJG:dom