

Fennimore Police Department Emergency Vehicle Operations		
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PURPOSE

The purpose of this document is to establish a comprehensive policy regarding the operation of department vehicles.

POLICY

It is the policy of the Fennimore Police Department for police vehicles be operated in a safe and responsible manner at all times. Officers shall comply with all applicable laws, ordinances and the requirements of this policy when operating any department vehicle.

DISCUSSION

Vehicle pursuits are inherently dangerous to the suspects/law enforcement officers involved and the public. The department has no desire to cause unnecessary risk to the public and wishes to balance the danger caused to the public by the pursuit against the danger caused to the public should the suspect remain at large.

Officers should be aware the courts may hold them criminally and civilly responsible for any driving conducted in a negligent manner. No task, call or incident justifies an unreasonable disregard for public safety. The operation of department vehicles will always be done with due regard for the safety of the community we serve.

No officer or supervisor will be criticized or disciplined for a decision not to engage in a vehicle pursuit based on the risk involved, even in circumstances where department policy would permit the commencement or continuation of the pursuit.

DEFINITIONS

- **Due Regard:** the degree of care a reasonably careful person, performing similar duties and acting under similar circumstances, would show.
- **Emergency:** a situation in which there is a high probability of death or serious injury or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation.
- **Pursuit:** an active attempt by an officer in an authorized law enforcement vehicle to apprehend an occupant of a moving vehicle, the operator of which is resisting apprehension by disregarding the officer's visual and audible signal to stop his or her vehicle, increasing speeds, extinguishing vehicle lighting, disregarding traffic control signs, driving off the road or otherwise deliberately trying to escape from the officer by vehicle. Wis. Stat. § 85.07(8)(a)
- **Pursuit Exception:** It shall not be considered a pursuit for the purpose of this policy when a driver is failing to stop for audio and visual warning from an emergency vehicle for reason other than escape. Such circumstances could include a driver suffering from an apparent medical condition or a driver simply not paying attention.

PROCEDURES

General Vehicle Use

During routine patrol activities, all department vehicles will be operated in accordance with all applicable laws and ordinances. At all times, department vehicles will be operated with due regard for the safety of others. Wis. Stat. § 346.03(5).

The police department will not participate in emergency escorting of another vehicle as described in Wis. Stat. § 346.215 without prior permission from a supervisor. Officers are free to stop traffic at intersections for funeral and similar processions.

Generally, Emergency Medical Services will be paged through the Grant County Dispatch Center to transport patients experiencing a medical emergency. Officers will base their decision to transport persons for medical attention on the availability of EMS, the seriousness of the medical attention required and the security needs of the patient being transported.

Emergency Operation

When responding to emergency calls, fire alarm or when in the pursuit of an actual or suspected violator of the law, an officer may engage in the following driving behavior if they have the squad car's emergency lighting and siren activated:

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.

Wis. Stat. § 346.03(3)

A law enforcement officer operating a police vehicle may exceed the speed limit without giving audible and visual warning under the following circumstances:

- If the officer is obtaining evidence of a speed violation.
- If the officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:
 - Knowledge of the officer's presence may endanger the safety of a victim or another person.
 - Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
 - 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.
 - 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.

Wis. Stat. § 346.03(4)

Considerations: In all cases, when an officer decides to exercise the exemptions provided under Wis. Stat. § 346.03, he or she shall consider the following factors:

- Time of day
- Density of traffic or population
- Weather and roadway conditions

- Severity of the offense
 - Volume of pedestrian traffic
- Wis. Stat. § 346.03(6)

VEHICLE PURSUITS

When making decisions regarding the initiation, continuation or termination of a pursuit, the officer will be afforded the same amount of time a reasonable officer in the same situation would need to assess the considerations listed below and reach an appropriate decision.

Officers shall not engage in vehicle pursuits when there is a nonsworn law enforcement occupant in the squad.

Considerations

When making decisions regarding the initiation, continuation or termination of a pursuit, an officer will also consider the following factors:

- The seriousness of the offense and necessity of pursuit by vehicle
- Whether or not the vehicle's owner or suspect has been identified already
- The need to apprehend a suspect immediately
- Road and weather conditions
- Density of traffic, population or special events
- The officer's familiarity with the pursuit route
- The officer and emergency vehicle's pursuit capabilities
- The suspect and suspect vehicle's pursuit capabilities
- The presence of innocents in the suspect vehicle
- Communication between pursuit vehicles and dispatch

When pursuing vehicles into another jurisdiction, officers will strongly consider information being relayed to them from dispatch or other officers and will respect another jurisdiction's request to terminate a pursuit.

Initiation of Pursuits

An officer in an authorized emergency vehicle may initiate a pursuit when a subject is attempting to avoid apprehension and the following situations are present:

- Before the beginning of the pursuit, the officer has reasonable suspicion to believe the driver or occupant of the vehicle has committed or is attempting to commit an act which involved an actual or threatened action which resulted or could result in death or great bodily harm to a person or persons.
- The suspect, if allowed to escape, is likely to cause great bodily harm or death to another person or persons.
- The threat of death or great bodily harm to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

Information related to suspect behavior which occurred in other jurisdictions can be used by the officer when considering the three requirements listed above. All pursuits will be avoided or terminated if they do not meet the requirements listed above.

When acting in accordance with this policy, officers may engage in “fresh pursuit” and pursue vehicles anywhere in the state of Wisconsin as provided in Wis. Stat. § 175.40(2).

Officers initiating or participating in a pursuit shall keep dispatch informed of information related to the vehicle, occupants, road condition, driving behavior and other relevant information as taught by Emergency Vehicle Operation and Control training.

Multi-Jurisdictional Pursuits

An officer will not start, re-initiate or participate in a pursuit which was originated or requested by another law enforcement agency or is the result of an offense in another jurisdiction unless the following criteria have been met:

- The three *Initiation of Pursuits* requirement in this policy has been met.
- The officer has received a mutual aid request from an agency with jurisdiction regarding the offense which started the pursuit.

If the above criteria are not met, officers may not participate in the pursuit, but may deploy tire deflation devices with the intent of stopping the pursuit from occurring or continuing in the city of Fennimore.

Officers pursuing vehicles into another jurisdiction shall turn over the roll of primary and/or secondary pursuit officer to the other jurisdiction once enough squads from that jurisdiction are

available.

Termination of Pursuit

A pursuit shall be terminated when the imminent threat of death or great bodily harm to the officer or public created by the pursuit is greater than the immediate or potential danger to the public should the suspect remain at large.

Additionally, a pursuit shall be terminated:

- When the vehicle's registration or the suspect's identity has been established so later apprehension may be accomplished and there is no apparent continuing need for immediate apprehension.
- When a department supervisor orders termination.
- When the continuing distance between the pursuing and fleeing vehicles is such that further pursuit is futile.
- When the location of the pursued vehicle is unknown.
- When the officer's vehicle or emergency equipment becomes disabled.
- When it is necessary to stop and render aid to injured persons and no other unit is available to do so.

Officers terminating a pursuit will notify dispatch, stop the squad car in a safe location, turn off all emergency lighting and remain stationary or drive in the opposite direction of the fleeing vehicle. The squad video camera will be left on for approximately five minutes after the termination of the pursuit.

Induce to Stop Techniques

Induce to stop techniques are actions which are intended to encourage, but not force, the fleeing driver to stop.

Tire Deflation Devices are meant to puncture the fleeing suspect's tires and end the pursuit. Every officer must be trained in the proper method of deployment prior to actual use. Tire deflation systems will not be used when the fleeing vehicle is a motorcycle, unless deadly force is justified. Officers will remain aware fleeing suspects have an increased risk of losing control of their vehicle if tires are deflated while driving at above highway speeds.

Channelization is a technique used to divert a fleeing driver to a preferred location. As with roadblocks with an escape route, the goal is to leave the driver with only one available route to travel by blocking off alternative routes. Sufficient warning and distance need to be given to give the pursued driver the ability to avoid the blocked off road and choose the preferred route.

Moving Road Blocks (Boxing In) may be appropriate at reasonable speeds. The suspect vehicle is surrounded by police units, preferably 3, and the police units will gradually slow, bringing the suspect vehicle to a safe, gradual stop. Caution should be exercised as this is a high-risk maneuver and could result in a crash.

Roadblock (with an escape route) is a roadblock that does not completely block the road and allows for an alternative escape route. The intent of this technique is to provide a show of force to convince the suspect that escape is impossible and induce them to stop and give up. Sufficient warning and distance need to be given to give the pursued driver the ability to negotiate the escape route.

Pursuit Intervention Technique (PIT) is a controlled contact between the patrol unit and the pursued vehicle at low speeds, intended to cause the operator of the pursued vehicle to lose control of his or her car. This maneuver causes the suspect vehicle to spin, while the officer is able to maintain control of the squad. PIT is a specific technical maneuver and could be considered ramming if the officer is not properly trained or the procedure is not properly executed.

Force to Stop Techniques

Force to stop techniques are action meant to present the fleeing driver with only two possible courses of action: stop or crash. The use of such a technique is an application of deadly force. The justification for use of deadly force is: Behavior that has caused or imminently threatens to cause death or great bodily harm to the officer or another person(s).

To meet the criteria of "imminent threat," the suspect must have:

- Intent to cause death or great bodily harm to another
- A weapon capable of inflicting such harm
- A delivery system for using that weapon

The use of any such technique during a pursuit must be considered as a last resort, to be used only when other alternatives have either been tried or proven ineffective or would clearly be inappropriate to stop the fleeing vehicle.

Road Blocks (with no escape route): This technique involves a complete blockage of vehicular movement. If the driver does not stop, he or she will crash with great potential for injury to the suspect and others in the area.

1. The technique should be done on an open, straight, level stretch of roadway, if possible
2. All emergency equipment will be turned on
3. The patrol vehicles will be unoccupied

Ramming: The application of this technique involves deliberate contact between two moving vehicles. The contact is meant to disable and prevent further operation of the fleeing vehicle. Property damage and injuries are very possible outcomes. Minimal contact with a slow moving or stationary vehicle with intentions of boxing the vehicle in and preventing the vehicle from moving shall not be considered ramming.

Firearms: Shooting at or from a moving vehicle is general considered an ineffective technique due to the difficulty in accurately engaging a moving target. This application of deadly force will only be used in extreme situations where an officer has no other options to prevent death or great bodily harm to him/herself or others.

Reporting, Review and Training Requirements

All pursuit incidents or decisions to not pursue will be documented in a written report by the officer/officers involved. All pursuits will be reported to the state no later than August 15 of each year as required by Wis. Stat. § 85.07(8).

This policy shall be reviewed by June 30th of each even-numbered year as prescribed by Wis. Stat. § 346.03(6) and revised as needed.

All officers shall biennially complete four hours of training from curricula based upon model standards promulgated by the WI Law Enforcement Standards Board as required by Wis. Stat. § 165.85(4)(a)7.b.

DISCLAIMER

This policy is for department use only and does not apply in any criminal or civil proceeding. Department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this policy will only form the basis for departmental administrative sanctions and is not intended for use in courts of civil or criminal jurisdiction.

/s/ Christopher J. French

09/20/2020

Christopher J. French
Chief of Police

Date