

GENERAL ORDER

ROCK COUNTY SHERIFF'S OFFICE

TITLE: Pursuit	EFFECTIVE DATE: 01/01/05
NUMBER: 5.340	CANCELS: Policy 7.03A
SCOPE: All Sworn Employees	APPROVED BY: Sheriff
REFERENCE: Wisconsin Pursuit Report Form	REVIEW DATE: 02/18/08
Wisconsin Statute 346.03	REVIEWED BY: Lt. Christiansen
Wisconsin Statute 346.67(1)	
Wisconsin Statute 175.40	
Wisconsin Statute 939.60	
Wisconsin Statute 941.30	
Wisconsin Statute 969.11	
Wisconsin Statute 976.04	
General Order 4.110	
General Order 4.150	
General Order 5.380	

PURPOSE

The purpose of this general order is to provide guidelines for the pursuit and apprehension of fleeing violators.

POLICY

Pursuit is an inherently dangerous and controversial aspect of law enforcement and must be weighed against our primary goal of protecting life and property. The duty for members of this Office to avoid injury to third parties is paramount. This general order sets guidelines for deputies, who must balance the necessity for pursuit and apprehension against the probability of injury or damage.

DEFINITIONS

Close Pursuit: As used in the Uniform Act on Close Pursuit (ss. 976.04), close pursuit includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It also includes the pursuit of a person suspected of having committed a felony, though no felony has actually been committed, if there are reasonable grounds for believing that a felony has been committed. Close pursuit, as used herein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Felony: A crime punishable by imprisonment in the Wisconsin state prisons (ss. 939.60). Every other crime is a misdemeanor.

Fresh: Immediate; recent; following without any material interval. Relates to the common-law concept of fresh pursuit, the right of law enforcement officers to cross-jurisdictional lines in order to arrest a felon.

Overtake: An active attempt to catch up to a motorist who is not yet aware of being pursued, using emergency signals unless specifically exempted (General Order 4.110; ss. 346.03), in order to:

1. Position the squad car so that audible and visual signals to stop can be effectively communicated to the motorist.
2. Continuously communicate audible and visual signals to the motorist until the motorist becomes aware of them.
3. Position the squad car so that deputies may more effectively observe the motorist and any passengers in the vehicle.

Primary Pursuit Unit: The deputy who initiates a pursuit or who assumes control of the pursuit at any time during the pursuit.

Pursuit: An active attempt by one or more deputies to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid apprehension by using high speed driving and/or other evasive tactics; such as driving off the pavement, making sudden or unexpected maneuvers, operating without lights, or maintaining a legal speed but failing to yield to emergency signals to stop.

Ramming: The use of deliberate vehicle contact. Ramming may be considered deadly force.

Roadblock: Any method, restriction, or obstruction utilized for the purpose of preventing the free passage of motor vehicles on a roadway in order to apprehend an actual or suspected violator in a motor vehicle (General Order 5.380).

Secondary Pursuing Units: Squad(s) other than the Primary Pursuit Unit that are directly involved in the pursuit. Any Secondary Pursuit Unit may assume the function of Primary Pursuit Unit should it become necessary.

Serious Felony: A felony that involves the actual or threatened use of deadly force or where a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm to another.

Threshold of Pursuit: Deputies are on the threshold of pursuit when a motorist refuses to stop for their audible and visual signals to stop and they believe that the motorist is attempting to elude.

Terminate: A pursuit is considered to be terminated when the officer discontinues the use of all emergency equipment and slows the squad car to the posted speed limit.

PROCEDURES

A. General

1. All emergency vehicle operations shall be conducted in strict accordance with existing state statutes and Office policy (ss. 346.03: Applicability of Rules of the Road to Authorized Emergency Vehicles and General Order 4.110: Operation of Office Vehicles).
2. Deputies engaged in emergency vehicle operations shall utilize both siren and emergency lights when engaged in pursuit, overtaking, and in response to calls for assistance unless specifically exempted by statute (ss. 346.03(4)).
3. The exemptions granted the operator of an authorized emergency vehicle do not relieve the operator from the duty to drive with due regard 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 (ss. 346.03(5)).
4. County vehicles containing victims, witnesses, suspects, complainants, jail inmates in transit, citizen riders, or other non-police personnel shall not become involved in pursuit situations. This section does not prohibit county vehicles containing police interns or Office chaplains from becoming involved in a pursuit situation.

B. When Pursuit is Authorized

1. Deputies shall pursue and attempt to apprehend, as safely and expeditiously as possible, any subject in a vehicle that they have reasonable cause to believe:
 - a. Has committed or attempted to commit a serious felony. (Note: the act of fleeing, itself, does not constitute a serious felony), or;
 - b. Is operating in such a manner so as to create a high probability of death or great bodily harm (e.g. ss. 941.30: Recklessly

Endangering Safety or ss. 346.67(1): Hit and Run – Injury or Death).

- c. Deputies shall discontinue the pursuit when they perceive that the pursuit itself creates a higher probability of death or great bodily harm than that which would exist should the suspect not be apprehended.
2. Deputies shall pursue and attempt to apprehend, as safely and expeditiously as possible, any subject in a vehicle that they have reasonable cause to believe has committed or attempted to commit a felony but shall discontinue pursuit when:
 - a. The act of pursuit, in itself, creates an unreasonable danger of death or great bodily harm to deputies, the suspect, or the public, and;
 - b. Deputies know the identity of the suspect or obtain sufficient information to identify the suspect and believe that apprehension at a later time is possible.

Note: The act of fleeing an officer, which is itself a felony, does not justify a pursuit under the guidelines of this section.

3. Deputies may pursue and attempt to apprehend, as safely and expeditiously as possible, any person who is eluding apprehension in a vehicle when they have reasonable cause to believe that the person has committed a traffic crime; a traffic or ordinance violation; or misdemeanor criminal violation, as defined in ss. 939.60; but shall discontinue pursuit when:
 - a. The act of pursuit, in itself, creates an unreasonable danger of death or great bodily harm to deputies, the public, or the suspect, or;
 - b. Deputies know the identity of the suspect or obtain sufficient information to identify the suspect and believe that apprehension at a later time is possible.

Note: The act of fleeing an officer shall be treated as a traffic crime and may justify pursuit under the guidelines of this section.

C. Considerations Affecting the Continuation of Pursuit

1. General Considerations: Deputies and supervisors must continually reevaluate any pursuit and question whether the seriousness of the crime

justifies continuation of the pursuit. Office personnel will not be censured for terminating a pursuit.

2. Following Upon Termination: Termination of a pursuit does not prohibit deputies from following the fleeing vehicle at speeds within the speed limit, without the squad's emergency equipment in operation, or remaining in the area where the pursuit was terminated.
 - a. Deputies who wish to follow a pursued vehicle upon termination must receive supervisory approval to do so.
 - b. If it appears that following a pursued vehicle upon termination of pursuit creates a higher risk to the safety of the public than not following the vehicle, by generating dangerous suspect behavior, deputies shall discontinue following the vehicle.
3. Supervisory Orders: Any and all pursuits shall be terminated upon the orders of a supervisor.
4. Pertinent Factors: Deputies must take into consideration the following factors when considering the necessity and continuation of pursuit:
 - a. Type of police pursuit vehicle (marked or unmarked).
 - b. Severity of known offense(s).
 - c. Necessity of pursuit.
 - d. Effects on third parties (including passengers in pursued vehicles).
 - e. Vehicular and pedestrian traffic.
 - f. Demographics and terrain of the area.
 - g. Pursuit speed.
 - h. Time of day.
 - i. Existing road and weather conditions.
 - j. Type of vehicle being pursued.
5. Pursued Vehicle's Location Unknown: Pursuit shall be terminated when the pursued vehicle's location is no longer known.
6. Jurisdictional Guidelines:
 - a. General Guidelines
 - (1) If it is anticipated that a pursuit begun in Rock County will continue into another jurisdiction, any agency affected shall be notified of the situation and advised of any need for our assistance. Extreme caution should be taken when continuing pursuit into unfamiliar areas.

- (2) Deputies from this Office shall remain responsible for the pursuit. Officers from other agencies may provide a support role to our deputies and assist in determining the location of the pursuit.

b. Pursuit into Other Counties Within the State of Wisconsin

- (1) All pursuits shall be terminated at the Rock County line unless the pursuit is for a felony or the vehicle being pursued is being operated in a manner that creates a high probability of causing death or great bodily harm. This section of procedure is more restrictive than applicable state statute (Arrests, ss. 175.40) which states that any peace officer may, when in fresh pursuit, follow anywhere in the state and arrest any person or persons for a violation of any law or ordinance that the officer is authorized to enforce.
- (2) Any person arrested in another county shall, without unreasonable delay, either be brought before a judge of the county in which the arrest occurred or be returned to the county in which the offense was committed. (Release Upon Arrest in Another County, ss. 969.11)

c. Pursuit into Another State

- (1) Contiguous states (Michigan, Minnesota, Iowa, and Illinois) have adopted the Uniform Extra-Territorial Arrest on Fresh Pursuit Act, upon which Wisconsin has modeled the provisions of the Uniform Act on Close Pursuit (ss. 976.04). These acts allow peace officers from any state of the United States to enter participating states in close pursuit and to continue such pursuit in order to arrest the suspect on the grounds that the suspect has committed a felony in the officers' state. Further, they allow such officers the authority to arrest and hold the suspect in custody, but require that the suspect be taken without unnecessary delay before a judge of the county in which the arrest was made.
- (2) This Office emphasizes that all pursuit shall be terminated at the state line unless the pursuit is in connection with a freshly reported serious felony offense or for an outstanding warrant for a serious felony offense.
- (3) The mutual aid agreement with Winnebago, Illinois, will not apply in a pursuit situation. We will follow the Uniform Act on Close Pursuit (ss. 976.04).

- (4) The act of fleeing (a felony), in and of itself, does not authorize deputies to pursue the suspect into another state.

7. Involvement in pursuits initiated by other agencies.

- a. Deputies will not become involved in another jurisdiction's active vehicle pursuit unless:
 - (1) It can be reasonably determined that the other agency's pursuit meets this Office's criteria for engaging in pursuit, and;
 - (2) This Office is specifically requested to do so by the agency involved, or;
 - (3) The emergency nature of the situation dictates the need for assistance.
- b. A Rock County Sheriff's Office supervisor may modify or terminate our Office's involvement in another agency's pursuit at any time.
- c. Officers from any other jurisdictions who initiate a pursuit, along with their respective agencies, shall be responsible for the progress of the continued pursuit in this county. Deputies and supervisors from this Office who, upon request, assist in the pursuit should provide a support role only and have no authority to terminate another jurisdiction's legal pursuit into and within Rock County.
- d. Deputies from this Office may take up the pursuit of a vehicle which has been pursued into our state and county based upon any violations which have occurred within our jurisdiction that meet the guidelines of this policy.
- e. Any pursuit into Rock County by a jurisdiction from within the state of Wisconsin is governed by the statute on arrests (ss. 175.40, see also above section entitled "Jurisdictional Guidelines for Pursuit"). Pursuit into the state of Wisconsin by agencies from outside of that state (e.g., Illinois State Police) is governed by the Uniform Act on Close Pursuit (ss. 976.04). This act allows peace officers from any state of the United States to enter this state in close pursuit to continue such pursuit within the state of Wisconsin in order to arrest the suspect on the grounds that the suspect has committed a felony in such other state. Further, it allows such officers the authority to arrest and hold the suspect in custody, but requires that the

suspect be taken without unnecessary delay before a judge of the county in which the arrest was made.

D. Responsibilities During Pursuit.

1. Primary pursuit unit responsibilities.

- a. The deputy initiating a pursuit shall notify dispatch as soon as reasonably possible that a pursuit is under way. The following information shall be provided:
 - (1) Radio number.
 - (2) Location, speed, and direction of travel.
 - (3) Description of the pursued vehicle, including license number if available.
 - (4) Reason for the pursuit, including known and suspected offenses.
 - (5) Number of occupants in the pursued vehicle and their descriptions if available and deemed appropriate.
- b. The primary pursuit unit is in field command and bears operational responsibility for the pursuit. This unit shall update the status of the pursuit situation as it progresses via radio communications or ensure that one of the secondary pursuit units is carrying out this responsibility. The role of primary pursuit unit may be taken up by various deputies throughout the progression of the incident.

2. Responsibilities of dispatch. After initial notification of a pursuit, dispatchers shall:

- a. Clear the main channel radio frequency. Units and other agencies, which will not be directly involved in the pursuit, should be directed to use a clear secondary radio channel for the duration of the pursuit.
- b. Assure that back-up units are en route and provide them with any relevant information needed.
- c. Immediately notify a supervisor of the pursuit and verify that the supervisor is monitoring the situation.
- d. Notify other agencies which are anticipated to be affected by or likely to become involved in the pursuit and specify whether assistance is or is not requested by our agency.

- e. Receive and record all incoming information as the pursuit progresses and perform any relevant records checks.
 - f. Monitor the pursuit until its termination and advise all affected parties of the termination and its location.
 - g. Bring all radio traffic back to the main channel radio frequency when appropriate after termination of pursuit.
3. Supervisory responsibilities. Upon being notified of the pursuit, a supervisor must:
- a. Ensure that any pursuit conforms to Office policy and State Statute, as his/her primary responsibility.
 - b. Acknowledge monitoring of the situation. If more than one supervisor is working, the supervisor assuming this role should clearly communicate such so that there is no misunderstanding as to who is undertaking this responsibility.
 - c. Ascertain that no more or less than the necessary number of squads are directly involved in the pursuit.
 - d. Ensure that all units involved in the pursuit (regardless of agency) are diverted to a common radio frequency and that proper radio procedures are utilized.
 - e. Assume operational command from the primary pursuit unit if deemed necessary. This authority shall be extended to cover all Office vehicles engaged in pursuit, regardless of division.
 - f. Order termination of the pursuit if deemed appropriate.
4. Responsibility of all units directly involved in pursuit. The following guidelines shall apply.
- a. Number of pursuit vehicles.

The pursuit shall be accomplished with a minimum number of vehicles. Pursuits shall normally be limited to no more than two marked squads. The number of units involved may be adjusted to fit the situation, but will be a controlled factor. Deputies should be alert to the dangers of multiple squad pursuit situations.
 - b. Pursuit by unmarked vehicles.

- (1) While operating under the exemptions granted by ss. 346.03, unmarked units present a greater hazard than marked units because of their inherent limited visibility. Operators of unmarked emergency vehicles shall use extreme caution when engaged in high-speed pursuit.
- (2) Whenever a marked vehicle becomes available to take over the pursuit initiated by an unmarked vehicle, the unmarked vehicle shall withdraw from active pursuit unless circumstances dictate otherwise.

c. Spacing between vehicles.

All units involved in the pursuit shall space themselves at a distance that will ensure proper braking and reaction time in the event the preceding vehicle stops, slows, or turns.

d. Roadblocks.

- (1) The use of a roadblock should be directly associated with the seriousness of the crime and should generally be used only as a last resort.
- (2) All roadblocks shall be conducted in strict accordance with Roadblock, General Order 5.380

d. Ramming.

- (1) The use of ramming may be considered deadly force.
- (2) Ramming may be used to prevent the escape or flight of any person suspected of violating the law only if deputies have probable cause to believe the person has committed a serious felony or is operating in such a manner so as to create a high probability of death or great bodily harm, and if allowed to escape, the suspect poses a significant threat of death or great bodily harm to deputies or the public. Even in those limited circumstances, ramming may be used only after all lesser means of apprehension have been eliminated.
- (3) Ramming shall not be used if the deputies perceive that the act of ramming itself creates a higher probability of death or great bodily harm than that which would exist should the suspect not be apprehended.

e. Use of firearms.

- (1) The use of firearms is considered deadly force (Use of Force, General Order 4.150).
- (2) Firing in the direction of a moving vehicle or from a moving vehicle is prohibited if there is a likelihood of serious injury to innocent persons or if the danger created by the use of such force would likely outweigh the law enforcement purpose served.

E. Reports and Critique Subsequent to Pursuit.

1. Responsibilities of units directly involved in pursuit.

a. All deputies involved at any time in a pursuit as primary pursuit unit shall submit a detailed report concerning their involvement in the pursuit and subsequent events. At minimum, reports must include:

- (1) Known or suspected offenses which led to the initiation of pursuit.
- (2) Any offenses which occurred during the pursuit or which were discovered later.
- (3) Pursuit speeds.
- (4) Length of pursuit in time and distance.
- (5) Any injuries sustained by deputies, suspects, or the public as a result of the pursuit.
- (6) Accidents or damage to private property or Office vehicles resulting from the pursuit.
- (7) Circumstances of pursuit termination.
- (8) The identity of other deputies or agencies which were at any time involved in the pursuit.

b. Deputies involved in the pursuit who did not act as primary pursuit unit at any time during the incident may be required to submit reports as needed.

2. Responsibility of monitoring supervisor.

The supervisor who monitored the pursuit shall ensure that all reports required above are completed. That supervisor shall then review all information available on the incident and submit a report detailing the conformity of the pursuit to Office policy. If a supervisor was directly involved in the pursuit, the patrol division commander shall perform this function.

3. Analysis and critique of pursuit.

It is strongly recommended that each pursuit be reviewed at a shift level, including input from the deputies and supervisors directly involved in the incident. The goal of such review should be to reinforce the knowledge of all officers with regards to Office goals and policies and to aid them in their abilities to make decisions within those guidelines during future pursuit situations.

4. Report to State of Wisconsin.

A State-required pursuit supplement form will be completed by the monitoring supervisor. After the pursuit supplement form is completed, it shall be turned into the Patrol Commander for review. After review, the pursuit forms shall be submitted electronically to the Department of Justice (DOJ).

F. Training.

1. On a biennial basis, each sworn member of this Office shall complete four hours of in-service training on emergency vehicle operation-related topics.
2. Training topics shall include, but not be limited to:
 - a. Determining whether to initiate or continue police pursuit.
 - b. Pursuit driving techniques.
 - c. Review of policy and procedure concerning pursuit, emergency vehicle operations and roadblocks.
 - d. Tire deflation device review.

G. Policy Review.

The guidelines contained in this policy shall be reviewed by June 30 of each even-numbered year and shall be revised as determined appropriate.