



SHOREWOOD HILLS POLICE DEPARTMENT STANDARD OPERATING PROCEDURES

Emergency Vehicle Operations

Purpose

To establish written guidelines to be followed by members of the Shorewood Hills Police Department (SHPD) when operating emergency vehicles, while deciding whether to engage in a vehicle pursuit, and during vehicle pursuits. This SOP meets the obligations of Wisconsin State Statute (§) 346.03(6) of the Wisconsin Statutes and the Law Enforcement Standards Board rule, Sec. LES 3.07, Wis. Adm. Code.

Policy

Members of the SHPD shall always operate SHPD vehicles with due regard for the safety of all persons. When operating under emergency conditions, officers shall be ever vigilant in assessing the evolving risk factors that could jeopardize public safety. Members of the SHPD shall always operate SHPD vehicles with a high degree of situational awareness and with respect to other motorists, pedestrians, bicyclists, and other users of our roadways.

Vehicle pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy of the SHPD to protect all persons' lives to the extent possible when enforcing the law. Therefore, officers must balance the risk of any pursuit against the need to apprehend a particular violator. To meet these obligations, it shall be the policy of the department to provide written guidelines to officers regarding how vehicular pursuit is undertaken and performed by officers of the SHPD.

All occupants of SHPD vehicles shall use vehicle safety belts/restraint devices whenever a vehicle is in operation. Exceptions to this requirement may apply to combative or oversize citizens. This requirement does not prevent officers from removing restraint devices in limited circumstances when approaching an imminent tactical situation. Officers and Community Service Officers engaged in parking enforcement acting under § 347.48(2m)(dr) are not required to utilize safety harnesses, but are encouraged to do so whenever possible. Children under the age of four (4) shall be transported in a child safety seat. Child safety seats shall be available for use and stored at the police department.

Civilian members of the SHPD are never authorized to operate the vehicle's red and blue emergency lights and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement or turning, or to pass through a stop sign or signal. Civilian members of the SHPD may, for the protection of the public, operate the red and blue emergency lights of a police vehicle if it becomes necessary to stop, stand, or park contrary to the rules of the road, such as to protect persons and vehicles at a crash scene or at the location of another hazard until an officer arrives, or to assist an officer.

Definitions

Attempt to Stop: The phase of a traffic stop where an officer who intends to stop a vehicle activates emergency equipment to stop the vehicle.

Caravanning: The operation of authorized emergency vehicles in a group either in a line or alongside each other in a pursuit situation.

Catch-up phase: The phase of a traffic stop where an officer who intends to stop a vehicle catches up to it. For example, an officer operating stationary radar needs to catch up to a speeding vehicle. The catch-up phase is **not** a pursuit.

Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.

Due Regard: The degree of care that a reasonably careful police officer, performing similar duties, and acting under similar circumstances would show.

Eluding/Fleeing: §346.04(3): No operator of a vehicle, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, shall knowingly flee or attempt to elude any officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, the traffic officer, the law enforcement officer, 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.

Emergency Vehicle: Any police vehicle equipped with one or more revolving or flashing red lights, or red and blue lights in combination, and an audible siren.

Fresh pursuit: A legal doctrine requiring that: (1) a pursuing officer act without unnecessary delay; (2) the pursuit be continuous and uninterrupted, but there need not be continuous surveillance of the suspect; and (3) the relationship in time between the commission of the offense, the commencement of the pursuit, and the apprehension must be close (i.e., the greater the length of time, the less likely that the circumstances under which an officer acts are sufficiently exigent to justify an extra jurisdictional arrest).

Following or Monitoring: The positioning of an authorized emergency vehicle at a regular and safe distance behind a vehicle to observe the vehicle.

Full internal light package: An authorized police vehicle with internally mounted emergency lights with 360-degree visibility of emergency lighting, and a similar display of lighting as a marked police vehicle. Typically, this will be an unmarked police vehicle. A police vehicle with a full internal light package shall be equipped with a siren.

Fully marked police vehicle: An authorized emergency vehicle with decals, logos, stripes, or other markers identifying it as a police vehicle, and equipped with a siren giving an audible signal, and equipped with and giving a visual signal by red and blue flashing emergency lights.

Imminent threat: A significant likelihood, based upon known facts, of death or serious injury if apprehension is delayed.

Infraction: Minor violations of motor vehicle statutes or city ordinance that pose no safety threat. Examples would include equipment, registration, unnecessary noise, or moving violations that are not ongoing or otherwise endanger citizens.

Initial unit: The authorized emergency vehicle responsible for initiating the vehicle pursuit.

Inter-jurisdictional pursuit: A pursuit that leaves the initial unit's territorial jurisdiction and continues into one or more adjacent jurisdictions.

Officer: Any sworn commissioned SHPD personnel, independent of rank.

Pacing: The positioning of an authorized emergency vehicle at a fixed distance behind a speeding vehicle to measure the speed of the speeding vehicle. Pacing is not a motor vehicle pursuit.

Paralleling: The operation of authorized emergency vehicles, other than those involved in the pursuit, on streets or highways parallel to or near the pursuit route.

Police Vehicle: Any vehicle owned, rented, or leased by the Village and operated by a police officer.

Primary unit: The authorized emergency vehicle in closest proximity to the fleeing vehicle with principal responsibility for conducting the pursuit. The primary unit may or may not be the initial unit.

Pursuit: § 85.07(8)(a) – An active attempt by a traffic officer in a police vehicle to apprehend one or more occupants of a moving motor vehicle, the operator of which is resisting apprehension by disregarding the officer's visual or audible signal to stop his or her vehicle, increasing the speed of the vehicle or extinguishing the lights of the vehicle.

Pursuit driving: Driving that is done for the purpose of apprehending an actual or suspected violator who clearly exhibits intent to avoid arrest after receiving a visual and an audible signal from the operator of an authorized emergency vehicle.

Pursuit Intervention Technique (PIT): A trained technique that is a controlled contact between the patrol vehicle and the pursued vehicle, at low speeds, intended to cause the operator of the pursued vehicle to lose control of his/her vehicle.

Ramming: The intentional act(s) of striking a fleeing vehicle with another vehicle to cause functional damage to the fleeing vehicle or otherwise force the fleeing vehicle to stop.

Refusal (slow) to Stop Pursuit: A pursuit in which the operator of a motor vehicle is driving at a reasonable speed and in accordance with other traffic regulations (but willfully refusing to pull over and stop). §346.04(2t): No operator of a vehicle, after having received a visible or audible signal to stop his or her vehicle from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, shall knowingly resist the officer by failing to stop his or her vehicle as promptly as safety reasonably permits.

Roadblock(s): The placement of vehicles or other objects (such as barricades) on the roadway to impede or alter the normal flow of traffic to cause a fleeing vehicle to slow down, change direction, and/or stop.

Secondary unit: The second and subsequent authorized emergency vehicle(s) involved in the pursuit.

Serious traffic violations: Violations of motor vehicle statutes that pose a high probability of death or great bodily harm. Examples include, but are not limited to, "Operating while Under Influence of an Intoxicant or Other Drug" or "Reckless Driving."

Silent Emergency: This is when a police vehicle does not use its siren or emergency lights in response to a crime. Officers responding to a call, which is reasonably believed to be a felony in progress, may exceed the speed limit without giving audible signal but should give visual signal when doing so will not compromise a tactical response. § 346.03(4)(b) states that when not giving a signal, the officer must reasonably believe that one of the following exists:

- Knowledge of the officer's presence may endanger the safety of a victim or other 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.

Special Purpose Vehicle: A police vehicle, including a police bicycle that may or may not be equipped with emergency lights and descriptive identifiers on the side, but not equipped with a siren. The vehicles are primarily used for the transportation of passengers or property, special events, for undercover investigations, or dedicated bicycle patrol.

Supervisor or designee: The supervisory officer responsible for the immediate oversight, monitoring, direction and/or control of pursuit vehicles, or the person assigned such responsibilities by a supervisory officer.

Termination: To discontinue the pursuit of a fleeing vehicle by an officer once a motor vehicle pursuit has started.

Tire deflation device: A tool or piece of equipment designed to assist in ending a vehicle pursuit by its placement on a road to cause a fleeing vehicle's tires to be punctured and slowly deflate.

True emergency: A situation in which there is a high probability of death or serious injury or illness or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation.

Unmarked police vehicle: An authorized emergency vehicle equipped with a siren giving an audible signal and equipped with and giving visual signal by means of at least one flashing, oscillating, or rotating blue light and red light, but without decals, logos, stripes, or other markers identifying it as a police vehicle.

Authorized Emergency Vehicle Situations

- In response to calls of a true emergency.
- In pursuit of an actual or suspected violator of law consistent with SHPD SOP regarding authorized pursuits.
- While obtaining evidence of a speeding violation.

Use of Warning Devices

The red and blue emergency lights shall be activated whenever an officer, in the course of duty, stops, stands, or parks an assigned vehicle contrary to the rules of the road. Officers may, however, elect to only use vehicle hazard flashers, rather than the red and blue emergency lights on their vehicles, whenever it is necessary to stop, stand, or park in a space adjacent to a curb, which is not a legal parking space, if the vehicle does not obstruct a traffic lane.

The red and blue emergency lights and siren shall be used whenever an officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning, or exceeds the speed limit. This includes when operating in emergency mode.

Applicability & Procedure

The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator, may exercise the privileges set forth in this section, but subject

to the conditions stated in sections 346.03(2) to 346.03(5) of the Wisconsin Statute, stated below. The operator of an authorized emergency vehicle may:

- Stop, stand or park irrespective of the provisions of Chapter 346, WI Stats.
- 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 traffic movement or turning in specified directions.

These exemptions granted to the operator of an authorized emergency vehicle apply only when the operator of the vehicle is giving **both** a visual signal by means of at least one flashing, oscillating, or rotating red light except that the visual signal given by a police vehicle may be by means of a blue light and red light which are flashing, oscillating, or rotating, and an audible signal by means of a siren or exhaust whistle. (The “both” restriction does not apply to stopping, standing, or parking.)

§ 346.03(4)(a) allows that an officer may exceed the speed limit without giving audible and visual signal if the officer is obtaining evidence of a speeding violation. This SOP requires that the officer shall activate this equipment and attempt to stop the violator once sufficient evidence is obtained for the violation.

The exemptions granted the operator of an authorized emergency vehicle by this section 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/her reckless disregard for the safety of others. Officers should always weigh the risk of operating while in violation of traffic laws, and act in favor of safety.

Use of Special-Purpose Vehicles

Special purpose vehicles are not designed or equipped for regular motorized patrol duty or emergency responses. All general rules for safe and lawful operation of police vehicles found in this SOP are applicable to special purpose vehicles. Use of police bicycles is restricted to personnel who are outfitted for, and trained in, their operation. See the SOP titled “Bicycle Patrol.”

VEHICLE PURSUITS

Vehicle Pursuit Authorization

SHPD officers are authorized to initiate a vehicle pursuit in accordance with the following guidelines:

Officers should attempt to stop as expeditiously and safely as possible, any person in a vehicle who the officer has **probable cause** to believe:

- Has recently committed, is committing, or is about to commit a violent felony. This may include crimes such as Armed Robbery, Recklessly Endangering Safety, or other crimes against a person where violence is an element of the felony criminal offense. Officers **may** terminate and discontinue pursuit when the act of the pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers, or the suspect.

Or,

- Has recently committed, is committing, or is about to commit a felony or a crime against a person such as Battery, Burglary, Disorderly Conduct While Armed, or Operating a Motor Vehicle without Owner’s Consent (OMVWOC). Officers **shall** terminate and discontinue pursuit when the act of the pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers, or the suspect.

A “refusal (slow) to stop pursuit” may be initiated and maintained for any offense. However, once the officer becomes aware it is an “eluding/fleeing” pursuit, justification for the pursuit must meet at least one of the criteria above, or the pursuit shall be terminated immediately. If the officer does not pursue the vehicle once that vehicle engages in action that shows an intent to elude/flee, no pursuit has occurred. This does not prevent an officer from later follow-up and arrest, as the operator has still eluded/fled.

Prohibition on Pursuits

Officers shall not enter into an “eluding/fleeing” pursuit for non-criminal violations, non-hazardous traffic violations (registration violation, equipment violation, simple speed violations, or improper turn for example), ordinance violations, or financial crimes.

Pursuit Determination

In determining whether to initiate a pursuit and/or to continue in the pursuit, the following factors should be considered:

- Whether the vehicle’s registration or the subject’s identity has been established so that later apprehension may be accomplished and there is no apparent continuing need for immediate apprehension.
- Whether continuation of the pursuit would likely create a danger to the public, officer, or subject which is apparently greater than the value of apprehending the subject due to such objective risk factors as, but not limited to, the following:
 - Is the act of the pursuit aggravating the danger of the suspect’s behavior?
 - Severity and certainty of risk posed to the public by the suspect if not apprehended immediately.
 - Type, actions, and speed of the vehicle being pursued.
 - Geographic area of pursuit and population density. Nearby events with large attendance.
 - Time of day and day of the week.
 - Vehicular and pedestrian traffic present in the area.
 - Road conditions and configuration (divided/undivided highway, access, etc.)
 - Weather conditions.
 - Severity of the crime for which the offending driver is a suspect.
 - Identity of the driver.
 - Necessity of pursuit by vehicle. (OnStar, cameras, etc.)
 - Type of vehicle being operated by pursuing officer.

In all pursuits, officers must always use due regard. Only sworn police officers of the SHPD are authorized to engage in vehicle pursuits. Unless the circumstances involve death or great bodily harm, no sworn officer shall engage in pursuits when:

- Transporting prisoners.
- Operating with a passenger other than another sworn officer, except during an authorized ride-along.
- When off-duty in their personal vehicle.

Officers pursuing in an unmarked police vehicle must operate their vehicles with due regard and should be cognizant of the reduced visibility of their vehicle, particularly at intersections. A fully marked police vehicle should take over responsibility for the active pursuit from an unmarked police vehicle when such unit is the primary vehicle in the pursuit, when available.

The responsibility for the decision to pursue, the methods to be employed, and the continuation of the pursuit rests with the primary officer involved, until a supervisor provides direction or otherwise assumes responsibility for the situation. A supervisor may order that the pursuit be terminated. The primary

pursuing officer has the authority to stop pursuing at any time even after supervisory oversight of the pursuit has begun.

Disturbance Resolution Model for Pursuits

	Mode	Tactic(s)	Purpose
	Presence	Authorized Law Enforcement Vehicle	To present a visible display of authority
	Dialogue	Emergency lights Siren Communication with Dispatch Approach contact	To persuade
Pursuit Determination	Control Alternatives	Multiple units Tire Deflation Devices Barricades Channelization High-Risk contact	To overcome passive resistance, active resistance, or their threats
Induce to Stop	Protective Alternatives	Pursuit-Intervention Technique (PIT) Moving Roadblock (Boxing-in) Roadblocks with escape route High-Risk Contact	To overcome continued resistance, assaultive behavior, or their threats
Force to Stop	Deadly Force	Ramming Roadblock without escape route Shooting from a moving vehicle High-Risk Contact with shots fired	To stop an imminent threat

Once we have passed the point of presence, dialogue and awareness while failing to gain compliance from the operator by the operator stopping, we have reached the level of a pursuit. The decision to continue pursuit or to terminate the pursuit must now be considered based on the risk of the pursuit vs. the necessity of pursuit.

Pursuing Unit Responsibilities and Driving Guidelines

When a decision is made to initiate a pursuit, the initiating unit shall advise the dispatcher of the following:

- Officer’s radio number and that a pursuit has been initiated.
- The roadway, location, and direction of travel.
- The reason for the pursuit.
- The speed of travel.
- The identifying information concerning the pursued vehicle, i.e., color, year, make, body, license plate number, and other identifying characteristics.
- Number and description of occupants.

The following driving guidelines apply to all officers engaged in a vehicle pursuit:

- Continually provide dispatch with changes in direction, speeds, and actions of the suspect vehicle. Radio broadcast may be delegated to a secondary unit involved in the pursuit.
- Adhere to and apply emergency vehicle operation and control driving techniques that the officer has been taught.
- Continuously reassess weather, roadway, and traffic conditions throughout the duration of the pursuit and adjust speed and following distance where appropriate.
- Consider and apply the officer’s knowledge of the capabilities and limitations of his/her vehicle.

- Consider and apply the officer's knowledge of his/her individual abilities and limitations.
- Establish a position on the roadway and maintain sufficient maneuvering room to allow the officer to see and react to what may appear ahead.
- Maintain visual contact with the subject of the pursuit and be alert to clues as to what the subject may do next.
- Remain alert and prepared for road and traffic conditions that favor the subject of the pursuit.
- Try to end the pursuit as quickly as possible, while considering safety and using maximum caution.
- Remain alert for possible dangers, including the reactions of other drivers.

Secondary units shall remain at a safe distance behind the primary unit and be ready to assist if the pursued vehicle stops. Secondary units shall not attempt to pass the primary unit (except when a marked unit is taking over for an unmarked unit or the primary unit is having mechanical issues).

Pursuits should be accomplished with a minimum number of vehicles and normally be limited to the primary pursuit vehicle and two additional vehicles. The number of units directly involved may be adjusted to fit the situation considering factors such as the number of vehicle occupants, weapons information, etc.

Pursuing a vehicle against the flow of traffic (i.e., a vehicle driven the wrong way on a divided highway or interstate freeway or entrance/exit ramp) is discouraged and officers involved in the pursuit should evaluate each situation based upon the degree of risk to the officer, the suspect, and other uninvolved persons. However, officers may continue to follow the suspect on the correct side of the divided highway with the flow of traffic with lights and siren activated.

Depending upon the circumstances of a pursuit, the use of high-risk traffic stop procedures shall be considered by all pursuing units.

All SHPD officers involved in a pursuit, both primary and secondary units, are required to activate and keep active the audio/video recording system that is installed in their patrol vehicle (if so equipped) and their body-worn camera (if applicable.) The recording system should be activated immediately upon the initiation of or involvement in the pursuit and shall remain active throughout the pursuit and during the completion and/or termination of the pursuit.

Supervisor Responsibilities

When a SHPD supervisor is working and available, they shall assume responsibility for the monitoring and control of the pursuit as it progresses to its conclusion. A designee who is acting pursuant to an assignment under this SOP shall have the same authority and responsibilities as a supervisor. The supervisor or designee shall continuously review the incoming information to determine whether the pursuit should be continued or terminated. In controlling the pursuit, the supervisor or designee shall be responsible for coordination of the pursuit as follows:

- Directing pursuit units in to or out of the pursuit.
- Re-designating primary or secondary unit responsibilities.
- Adding units to a pursuit to assist primary and secondary units if, in the supervisor or designee's discretion, such additional units are warranted.
- Assigning units to deploy approved intervention tactics.
- Approving, disapproving, and coordinating pursuit driving tactics.
- Approving or disapproving units leaving a jurisdiction to continue pursuit.
- Terminating any pursuit which, in the supervisor or designee's judgment, does not conform to the guidelines of this SOP.

- Responding immediately to the scene of the pursuit termination directing police actions, and, if multiple jurisdictions are involved in the pursuit, ensuring adherence to the department's interagency policies and procedures.

Termination of Pursuit

The following guidelines apply in determining to terminate a motor vehicle pursuit:

- A vehicle pursuit shall be immediately terminated when, in the judgment of the pursuing officer, continuation of the pursuit would likely create a danger to the public, officer, or violator which is apparently greater than the value of apprehending the violator.
- A vehicle pursuit shall be immediately terminated upon order of a supervisor or designee or upon receipt of such an order via the dispatcher.
- A vehicle pursuit should be terminated under any of the following conditions:
 - The distance between the pursuing officer and fleeing vehicle is so great that further pursuit is futile.
 - The location of the pursued vehicle is unknown.
 - The officer's vehicle or emergency equipment malfunction
 - To stop to render aid to an injured person and no other unit is immediately available to do so.

The SHPD recognizes that it is likely that a vehicle pursuit involving SHPD officers will extend into a neighboring jurisdiction. SHPD officers may not be aware of factors in that jurisdiction that would impact the officer's decision to continue or to terminate the pursuit. For instance, an SHPD pursuit may approach a jurisdiction where a community event is taking place, but the SHPD officer(s) may not be aware of the event. In the event an SHPD vehicle pursuit enters or is about to enter another jurisdiction, and that jurisdiction provides an articulable reason to terminate the pursuit, SHPD officer(s) **shall** terminate the pursuit unless there is a continuing threat to public safety posed by the suspect that is a greater danger than the pursuit itself.

Post Pursuit Officer Actions

When a vehicle pursuit is terminated, the pursuing officer(s) shall:

- Notify dispatch that they have terminated the pursuit and the location.
- Slow to the posted speed limit.
- Turn off the emergency lights and siren.
- Continue in the last known direction of the violator to check for accidents or other problems possibly created by the violator, or if the violator stopped or abandoned the vehicle.
- Maintain a speed at or below the posted speed limit.
- Officers shall not turn off the in-car camera or body camera until the incident is clearly resolved. (For example, the officer checks the area as required above, and after a reasonable time and not taking further action, notifies dispatch that they are back in service, and then stops recording.)

Tire Deflation Devices

Tire Deflation devices may assist in ending a vehicle pursuit through slow deflation of vehicle tires. Use of tire deflation devices is a primary tactic which has proven successful in de-escalating, ending, and preventing vehicle pursuits. Tire deflation devices are designed to be used against vehicles with four (4) or more tires. Officers shall adhere to the following procedures when deploying tire deflation devices:

- The use of tire deflation devices in accordance with this policy and departmental training does not constitute deadly force. However, tire deflation devices may only be used to stop motorcycles, mopeds, or other two-wheeled vehicles when the use of deadly force is justified.
- An officer preparing to deploy a tire deflation device should communicate to other units the location where the device is being deployed.

- When choosing a location to deploy a tire deflation device, officers are strongly encouraged to find a deployment location that includes a position of cover for the officer (such as a bridge abutment, concrete barrier, or a large tree).
- Only officers who have been trained in the use of tire deflation devices may deploy the device. The device shall be deployed in accordance with department training and the manufacturer's recommended use.
- Officers should warn the driver of a stationary vehicle that the device has been placed (if feasible.)
- The officer deploying the tire deflation device shall stay with and collect the device after use.

The officer deploying tire deflation devices shall complete a report documenting the use of the device including the location and results of the deployment. This report shall be included with the pursuit review documentation and forwarded to the Chief of Police or designee, so that the department can have the device serviced or replaced as necessary by the manufacturer.

Ramming and Pursuit Intervention Technique (PIT):

Both ramming and the PIT maneuver are intentional applications of force which are intended to end a pursuit. If either technique succeeds in ending the pursuit, a seizure has occurred, and the use of force will be analyzed under the Fourth Amendment reasonableness standard as set forth in Tennessee v. Garner and Graham v. Conner. Depending upon the factual circumstances, either technique could constitute deadly force.

The use of ramming is prohibited unless deadly force is justified.

The PIT maneuver should only be attempted if such force is absolutely necessary to prevent death or great bodily harm to the pursuing officer or other persons. If more than one person is in the fleeing vehicle, such consideration must be included in the decision to use these techniques on the fleeing vehicle. Innocent persons may be occupants of the vehicle and the use of the PIT maneuver may cause them death or great bodily harm.

The Pursuit Intervention Technique **may** be used if:

- A supervisor has approved the use of this maneuver. However, if exigent circumstances exist where an officer must take immediate intervention action to stop a pursuit, the officer is authorized to utilize the PIT maneuver without prior supervisor approval if all other PIT conditions are met.
- An officer who uses the PIT maneuver without supervisor approval must be able to clearly articulate the exigent circumstances and the immediate need for pursuit intervention in a written police report.
- The suspect's vehicle is traveling less than 35 M.P.H.
- Doing so would not create an unreasonable risk of harm to uninvolved motorists or pedestrians.
- The officer performing the PIT has been trained in the technique.
- The suspect's vehicle is profiled similarly to the pursuit vehicle. The PIT should not be used against vehicles that do not have a similar profile to the pursuit vehicle unless deadly force is justified.

Use of Firearms

Warning shots during a pursuit are prohibited. Shooting at or from a moving vehicle is prohibited unless deadly force is justified.

Roadblocks

A roadblock can constitute deadly force depending upon how it is set up. In analyzing these types of cases, courts will consider whether the police acted unreasonably in failing to recognize or pursue an alternative.

Open roadblocks with an escape route: The placing of vehicles or other objects in the roadway to impede or alter the flow of traffic. The roadway is not completely blocked, but rather, an escape route is provided. The intention is to induce the violator to stop by a show of force. Open roadblocks can only be approved by the supervisor or designee. The roadblock must be clearly visible and provide adequate warning to allow vehicles using the highway to come to a complete stop.

Closed roadblocks: The roadway is completely blocked, and no alternative route is provided. If the violator does not stop, he/she will crash. Closed roadblocks can only be approved by the supervisor or designee, and only when the behavior of the person being pursued has caused, or has imminently threatened to cause, death or great bodily harm to other persons or if such force is absolutely necessary to prevent death or great bodily harm to the pursuing officer or other persons. The roadblock must be clearly visible and provide adequate warning to allow vehicles using the highway to come to a complete stop.

Channeling: Channeling is not itself a technique that induces a fleeing driver to stop; it is used to divert a violator to a preferred location. The goal is to leave the violator with only one available route to travel, by blocking off alternatives. The same guidelines apply with respect to providing sufficient warning and adequate distance for the violator to avoid the blocked off road and choose a preferred route as with an open roadblock.

Inter and Intra-Jurisdictional Pursuits

Section 175.40(2) of the Wisconsin Statutes provides that “for purposes of civil and criminal liability, any peace officer may, when in fresh pursuit, follow anywhere in the state and arrest any person for the violation of any law or ordinance the officer is authorized to enforce.”

In the event of an SHPD pursuit into another agency’s jurisdiction, the jurisdiction involved should be notified of the pursuit, the reason for it, and whether direct assistance with the pursuit is requested. Direct pursuit assistance should only be requested if available SHPD resources are inadequate, or if assistance of a special nature is needed. In any instance of a pursuit into another agency’s jurisdiction, that agency shall be notified immediately after the incident to ensure compliance with reporting requirements such as the Clery Act.

When a pursuit is initiated by a law enforcement agency of another jurisdiction, the initiating unit and jurisdiction shall be responsible for the progress of the pursuit. SHPD officers may become actively involved in or assume control of the pursuit upon request of the initiating agency/jurisdiction, by assignment by their department supervisor or designee, or if the officer has a clearly articulable reason to immediately assist. However, for the SHPD officer to enter the pursuit, the pursuit must meet one of the requirements for an SHPD officer to pursue, and this SOP fully applies to the SHPD officer involved.

If a pursuit enters and departs the Village of Shorewood Hills, SHPD officers will terminate their participation in the pursuit unless assistance is requested by the pursuing agency, when directed to do so by a supervisor, or if the officer has a clearly articulable reason to immediately assist. However, for the SHPD officer to enter the pursuit, the pursuit must meet one of the requirements for an SHPD officer to pursue, and this SOP fully applies to the SHPD officer involved.

Reports

In compliance with the reporting requirements of section 85.07(8)(b) of the Wisconsin Statutes, all written pursuit reports shall be completed as soon as practicable following a pursuit and shall contain the following:

- Pursuit initiation and termination location and times.
- Pursuit distance to the nearest one-tenth (0.1) mile.
- Primary unit maximum pursuit speed.
- Reason(s) for commencing pursuit.
- Violations cited.
- Injuries or deaths involved.
- Property damage and estimated value.

The primary officer engaged in a pursuit shall be responsible for completing the incident report on the pursuit. This incident report will detail the circumstances of the pursuit, regardless of the outcome, as well as include all required items listed above. All officers involved in the pursuit shall complete a report detailing their participation in the pursuit.

The primary officer engaged in the pursuit shall complete the TraCS Pursuit report form as well as the SHPD "Vehicle Pursuit Form." The completed forms shall be submitted as an attachment to the written incident report.

Each year, the Chief of Police or designee shall prepare a report that outlines all pursuits that SHPD officers have engaged in.

Post Pursuit Review

After reviewing the circumstances of the pursuit (including the police incident report and the department's "Vehicle Pursuit Form"), a supervisor shall evaluate whether the actions of officers involved in the pursuit were in accordance with policy and procedure. This review may also extend to the other officers not directly involved in the pursuit (i.e., responding officers). The supervisor conducting the post pursuit review shall review the audio/video recordings from the vehicles and body-worn cameras of all SHPD officers who were involved in the pursuit.

The supervisor shall complete the department's "Post Vehicle Pursuit Review" form, using the form's guidelines for completing the narrative portion of the report. The supervisor will attach copies of the incident report detailing the pursuit, copies of any accident reports or pertinent written statements, and a copy of the "Vehicle Pursuit Form" to his/her completed "Post Vehicle Pursuit Review" form and submit such documents to the Chief of Police. The supervisor shall ensure that other agencies have been notified of the pursuit if that pursuit entered the jurisdictions of those agencies.

The Lieutenant is responsible for conducting an annual analysis of all pursuits in an effort to reveal patterns or trends that indicate training needs and/or policy modifications. The analysis will be conducted no later than March 1 of each year and presented to the Chief.

Training

Officer in-service training, and officer recertification training, shall include at least four (4) hours of training biennially in vehicle pursuit standards, guidelines and driving techniques. Such training shall include reference to the pursuit guidelines established by this Policy & Procedure.

End.

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