

	<b>Marquette University Police Department</b>	
	<b>Policy and Procedure Manual</b> Vehicle Pursuits	
<b>Policy: 4.5</b>	<b>Issued: May 1, 2015</b>	<b>Date Revised: March 29, 2016</b>
<b>WILEAG Standards: 6.1.3, 6.1.4</b>		<b>IACLEA Standards: 9.2.2</b>

#### **4.5.00**      **Purpose**

The purpose of this Policy is to establish guidelines for the Marquette University Police Department (MUPD) with regard to vehicle pursuits.

#### **4.5.10**      **Policy**

It is the policy of the Marquette University Police Department that 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 any other persons.

#### **4.5.15**      **Scope**

This policy applies to all sworn agency employees.

#### **4.5.20**      **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 (e.g., 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. 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 officers demonstrate due regard for the safety of others. Failing to drive with due regard may subject a police member to civil and criminal liability in addition to other administrative and employment consequences.

**4.5.25**

**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 lights) emergency warning equipment unless specifically exempted by statutes.
- B. Red and blue strobe lights are furnished for every unmarked police squad.
- C. Exemptions to the use of audible and visual emergency equipment are as follows:
  - 1. Wis. Stat. § 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. Wis. Stat. § 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.”

**4.5.30**

**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, is committing, or is about to commit a violent felony (e.g., 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, or non-violent felonies. For the purpose of this policy, Fleeing an Officer (Wis. Stat. § 346.04) is not considered a violent felony, therefore, pursuits are not authorized based solely on the fact that the vehicle is fleeing.**

#### **4.5.35**

#### **Procedure**

##### A. Decision to Initiate a Vehicle Pursuit

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. Many factors must be taken into consideration in recognizing the initiation of a pursuit. These include the actions of the fleeing vehicle, the fleeing vehicle’s speed and/or evasive driving tactics, and actions the vehicle took prior to the initiation of a traffic stop. Understanding the time it would take for an officer to consider these factors and recognize a pursuit is occurring, the initiation of a pursuit will be identified from the perspective of a reasonable officer with that reactionary gap in mind.
3. 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.

- B. The police member initiating a pursuit shall notify the Command Information Center (CIC) as soon as reasonably possible that a pursuit is underway and provide the following information:
1. Police unit identification.
  2. Location, speed, and direction of travel.
  3. Reason for the pursuit.
  4. Pursued vehicle description, including license number, if known.
  5. Number of occupants.
  6. Road conditions.
  7. Traffic density.
- C. 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 (e.g., roll windows up, operate the siren on “automatic”) to ensure the dispatcher understands their radio transmissions.
- D. Police members shall, as often as practicable, provide updated information to the CIC, such as the speed and direction of the suspect vehicle and the police vehicle, traffic density, and any other pertinent information.
- E. 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.
- F. If a supervisor fails to acknowledge the pursuit within a reasonable period of time after initiation, as determined by the CIC, he/she shall terminate the pursuit.
- G. The primary unit shall bear operational responsibility for the pursuit unless relieved by a supervisor.
- H. 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.

- I. 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 Wis. Stat. § 346.04(3) of the Wisconsin Vehicle Code (Fleeing or Attempting to Elude Police Officer).**

- J. 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.

K. 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. Chief of Police
- b. The Captain of Police
- c. The Shift Commander
- d. The Field Supervisor
- e. Any supervisor of a higher rank

2. The primary unit may maintain pursuit as long as:

- a. It is safe to do so.
- b. Until the primary unit determines to terminate the pursuit.
- c. Until directed to terminate the pursuit by a supervisor.
- d. Until the suspect vehicle is stopped.

3. A police member who is engaged in a pursuit involving excessive emergency speed (e.g., 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, e.g., the width and curves of the roadway, stopping and sight distances.
- i. The police member's driving skills and condition of the police vehicle.

L. Decision to Terminate 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 CIC, 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.
  - 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 (e.g., 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.

#### M. Secondary Unit Responsibility

1. Assistance will be coordinated by the field supervisor. The 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 CIC 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. If the primary unit becomes disabled, the secondary unit shall become the primary unit. The CIC 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.

#### N. Command Information Center 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. Clear the Milwaukee Police Department District 3 channel of any unnecessary traffic and broadcast **“Attention all units, Marquette University Police Squad #??? Is in pursuit.”** The Communications Officer shall then broadcast the following information:
  - a. Location, speed, and direction of travel.
  - b. Description of vehicle and occupants.
  - c. Reason for the pursuit.
  - d. Identity of primary unit, secondary unit, and additional squads, if authorized.
4. Control all radio communications during the pursuit.
5. Coordinate assistance under the direction of the field supervisor or higher authority, if applicable.
6. Continue to monitor the pursuit until it has been terminated.
7. Dispatch a supervisor to the termination point of the pursuit if one has not responded.
8. Notify neighboring agencies, if applicable.
9. Notify the Commander of Operations via text of all pursuits. Additional text updates shall be sent every 5 minutes until the pursuit has been terminated.

#### O. 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.

3. Upon being notified of the pursuit, the field supervisor shall verify that no more than the required or necessary units are involved in the pursuit.
4. 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.
5. The assigned field supervisor shall immediately proceed to the termination point to provide guidance and necessary supervision. The supervisor shall then complete a Vehicle Pursuit Report, regardless of how the pursuit was terminated.

P. Vehicle Pursuit Report Required

1. The pursuit report shall be completed by a supervisory officer of a higher rank than the member(s) engaged in the pursuit.
2. Vehicle Pursuit Reports are to be completed and forwarded to the Commander of Operations by the end of the shift.
3. Reports shall be thoroughly completed and reviewed within seven (7) days following the date the incident occurred by the Commander of Operations and then sent to the Chief of Police for review.
4. The Chief of Police shall review the reports within four (4) days following the receipt from the Commander of Operations.

Q. Limitations on 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, and driving alongside the pursued vehicle while it is in motion, or the use of roadblocks is the functional equivalent of using deadly force. 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.

### **4.5.40**      **Inter-Jurisdictional Vehicle Pursuits**

#### A. Purpose

The purpose of this section is to establish guidelines for radio communications when it appears a MUPD vehicle pursuit is

approaching another jurisdiction or when an outside agency vehicle pursuit is approaching the Marquette University Patrol Zone.

B. Marquette University Police Vehicle Entering Another Jurisdiction

1. Should a MUPD vehicle pursuit exit the Marquette University Designated Patrol Zone, the primary and secondary unit(s), the managing supervisor, and shift commander, if on-duty, are authorized to leave and continue the pursuit.
2. The CIC shall contact the Milwaukee Police Department District 3 via the MPD radio.
3. The CIC shall begin radio transmissions with “**Marquette University Police Squad# \_\_\_ is in vehicle pursuit**” and provide a last location, direction of travel, and as necessary with regard to changes in location, speed, direction of travel, and the reason(s) for the pursuit.
4. CIC shall also notify the Milwaukee Police Department Technical Communications Division Supervisor by telephone and advise them of the pursuit when practicable.
5. The MUPD supervisor shall, at all times, remain in command of MUPD 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.

C. Outside Agency Vehicle Pursuits Entering the University Campus

1. If the CIC becomes aware of a vehicle pursuit entering the MUPD Designated Patrol Zone they shall immediately advise all MUPD squads of the location and direction of travel.
2. Should another agency’s vehicle pursuit enter into the MUPD Designated Patrol Zone, department members shall not actively engage in the pursuit unless the initiating agency requests our assistance. If assistance is requested, MUPD supervisors shall have the final authority over the involvement, if any, of MUPD

members in outside agency pursuits. MUPD members must have supervisory approval to actively participate in an outside agency vehicle pursuit occurring in the MUPD Patrol Zone. 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.

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, and area searches.
4. MUPD supervisors may, at any time, withdraw MUPD members from participation in a pursuit initiated by another jurisdiction.

#### D. 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 to the Wisconsin Department of Transportation (State Patrol) no later than August 15 of each year, per Wis. Stat. § 85.07(8)(b).