



DIRECTIVES

Oak Creek Police Department

Effective Date:
December 31, 1991

Reviewed Date:
December 29, 2021

Sign-Off Date:
June 21, 2023

Title: <h3 style="text-align: center;">PURSUIT POLICY</h3>	Directive Number: <p style="text-align: center;">8-300</p>	Critical Policy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
*State Statute §346.03(6) – Rules of Road—Authorized Emergency Vehicles	Open Record <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Total Pages: <p style="text-align: center;">9</p>
		Applicability: Sworn Officers Dispatchers

I. PURPOSE AND OBJECTIVES

The purpose of the Pursuit Policy is to establish guidelines for vehicular pursuits requiring the emergency operation of departmental vehicles. The objective of the Pursuit Policy is to provide employees with a clear understanding of the constraints under which they should operate and the expectations they should fulfill.

II. DEFINITIONS

The following definitions apply for the purpose expressed in this policy:

- A. *Vehicular Pursuit* - an active attempt by one or more police officer to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.
- B. *Roadblock* - any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle (moving or stationary).
- C. *Primary Pursuing Unit* - the police unit that initiates a pursuit or any unit that assumes control of the pursuit.
- D. *Deadly Force* - the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- E. *Stop Sticks/ Magnum Spike* - a portable, mechanical device consisting of metal spikes used to create a temporary roadblock and intended to deflate pneumatic tires.

III. POLICY

The department recognizes that decisions to initiate and continue the pursuit of vehicles and suspects who are attempting to elude the police in a vehicle must, as a matter of public policy, reflect the balance of the public interest inherent in both the apprehension of violators of the law and insuring the safety of all persons who might potentially be in danger by the pursuit. The propriety of any pursuit depends upon the specifics of each particular situation and officers must be prepared to articulate the conditions which existed at the time of their decision. Consideration must be given not only to the nature and gravity of the offenses involved but also to the degree of danger to the safety of members of our community which may inadvertently arise as a result of a pursuit. The policies reflected in the guidelines which follow are based.

III. POLICY -- *Continued*

Upon the belief that responsible policing may, if necessary, require that the apprehension of a suspect be postponed even in potentially serious situations. This is particularly true when, at the time of the decision to pursue or discontinue the pursuit, a situation of unreasonable danger to officers and other persons in our community exist which outweighs the competing public interest involved in the immediate apprehension of a violator.

IV. PROCEDURES

A. Initiation of Pursuit

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
 - a. If circumstances such as reason for the pursuit or conditions do not justify a pursuit, officers should be aware that they can later follow up with Statute §346.195(1)—owner's liability for failing to yield the right of way to an authorized emergency vehicle.
2. Pursuit should not be initiated by any unit which contains prisoners, suspects, complainants, witnesses or other passengers who are not sworn police officers.
 - a. No specialty unit shall be used in pursuits, i.e., Command Post, ERU van, ERU UC cars, etc.
3. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
 - a. The performance capabilities of the pursuit vehicle;
 - b. The condition of the road surface upon which the pursuit is being conducted;
 - c. The amount of vehicular and pedestrian traffic in the area;
 - d. Weather conditions;
 - e. Performance capabilities of pursued vehicle;
 - f. Seriousness of offense committed;
 - g. Density of population;
4. The responsibility for the decision to initiate pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify the communications center as soon as reasonably possible that a pursuit is underway and provide the following information:
 - a. Police unit identification;
 - b. Location, speed, and direction of travel;
 - c. Vehicle description, including license number, if known;
 - d. The specific reason for the pursuit, including known laws violated;
 - e. Number of occupants;
 - f. Traffic conditions.

IV. PROCEDURES - Continued

A. Initiation of Pursuit - *Continued*

5. Upon the initiation of a pursuit, Oak Creek Dispatch will patch OCPDDISP (A-1) to OACHASE (A-16). If there is an issue with the patch or dispatch is unable to successfully complete it, Oak Creek squads will manually switch to and transmit the pursuit on OACHASE (A-16). (Radio Communications Policy - #13-200)
 - a. In the event a pursuit is already occurring on OACHASE (A-16), the backup channel will be OALAWCAL (A-15).
6. Failure to provide the above information may be cause for the supervisor to order termination of the pursuit.
7. The initiating or primary unit shall be in field command, and bears operational responsibility for the pursuit unless relieved by a supervisor.
8. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the field supervisor and commanding officer.
9. The primary unit may maintain pursuit until the suspect is stopped or until the pursuit is terminated pursuant to sub. (b).
10. If and when pursued vehicle is stopped, notify communications dispatcher that vehicle is stopped and advise if subject is in custody.
 - a. If an accident or damage is involved, comply with §346.67-§346.70. The pursuing officer or assisting squad should stop to render aid when an accident occurs during a pursuit. The officer who stands by should render assistance as necessary. If this occurs, it will be the responsibility of the supervisor to re-evaluate the situation and authorize another non-involved officer to engage in the pursuit.
 - b. Effectuate the arrest and complete all necessary paperwork.
11. The decision to abandon pursuit may be the most intelligent course of action. Officers must continually question whether the seriousness of the offense justifies continuing the pursuit. A vehicular pursuit shall be terminated under any of the following circumstances.

B. Termination of Pursuit

1. A decision to terminate pursuit may be the most rational means of preserving the lives and property of the public, the officers and the suspects engaged in the pursuit. Pursuit may be terminated by the pursuing officer. Pursuit shall be terminated by the pursuing officer if directed by a supervisor. Pursuit may be terminated by another officer who may have information or knowledge not available to the pursuing officer.
2. Pursuit shall be immediately terminated in any of the following circumstances:
 - a. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
 - b. The distance between the pursuit and fleeing vehicle is so great that further pursuit is futile; or

IV. PROCEDURES - Continued

- c. The danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect(s).
3. The pursuing officer shall relay this information to communications personnel, along with any further information acquired which may assist in an arrest at a later date.
 - a. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension;
 - b. The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit;
 - c. The pursued vehicle's location is no longer known;
 - d. The pursuing officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or a non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.
4. The termination of a pursuit does not prohibit re-initiating the pursuit if circumstances change and with supervisor approval.
5. Officers terminating a pursuit should deactivate their emergency lights and siren and pull over to the side of the road and stop. If road conditions are not safe, the officer should pull over and stop at their first opportunity. Unless authorized by a supervisor, officers will not follow suspect vehicles after termination of a pursuit. Officers should notify dispatch over the air after termination of the pursuit that they have terminated the pursuit, pulled over to the side of the road, stopped, and deactivated their emergency lights and siren.
6. A supervisor may terminate a pursuit at any time. Upon termination, all pursuing vehicles will immediately turn off all emergency operation devices and follow Section IV. B(5) above, then return to their assigned areas and resume regular duties unless otherwise directed by a supervisor.

C. Assisting Unit Responsibility

1. Assistance will be coordinated by the communications center under the direction of the supervisor. The supervisor and primary unit will be advised of the identity and location of backup units who can assist.
2. The active pursuit will *normally* involve not more than two units—the primary unit and one backup unit. If more assistance is specifically requested, the amount will be determined by:
 - a. Nature of the offense;
 - b. Number of suspects;
 - c. Whether the participating units have more than one officer;
 - d. Other clear and articulated facts that would warrant the increased hazard of other vehicles joining the pursuit.

IV. PROCEDURES - Continued

3. Only a supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate. Other units, however, may set-up in areas where it looks like the pursuit may be headed. This may include preparing for deployment of stop sticks and/or coordinating traffic control to allow for the safest possible passage of the pursuit through an intersection. These units will not be operated in a pursuit or emergency manner unless directed by the on-duty supervisor, given the fact situation.
4. The assisting unit, upon joining the pursuit, shall **immediately** notify the communications center of its identity. If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
5. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.
6. If the primary unit becomes disabled, the assisting unit will become the primary unit. The communications center will advise the supervisor and other units that a new backup unit is needed, and the next unit to join the pursuit will be designated as the backup unit.

D. Deployment of Stop Sticks/ Magnum Spike

The following procedure should be followed for deployment of the Stop Sticks once it has been deemed necessary:

1. The Stop Sticks are located under the trunk hood of squad 12 and the cargo area of the SUV patrol squads.
2. The three (3) Stop Sticks are connected and are contained in a sleeve, creating a nine-foot unit.
3. Magnum Spike is an interconnected, scissors folded unit that extends up to 10'
3. Place the unit lengthwise along the left side of the road. Dispense a sufficient amount of cord reel (up to 30') and as the target vehicle approaches, pull the Stop Stick/ Magnum Spike unit into the projected path of the vehicle. Release the cord reel and let it lay on the ground.
4. After deploying the Stop Sticks/ Magnum Spike, officers should position themselves in a safe location away from the point of contact with the sticks as they may jump in the air after being run over by the target vehicle.
 - a. Officers should also attempt to place themselves in a location that protects them from the dangers of the fleeing vehicle attempting to strike the stop-stick-deploying officer.
5. After the Stop Sticks/ Magnum Spike have been placed, the deploying officer will notify the pursuing squads where the Stop Sticks/ Magnum Spike are and **where the exit route for the pursuing squads is**. The exit route for pursuing squads will normally be the right side of the road.
6. Once the target has driven across the Stop Sticks/ Magnum Spike, or it is no longer practical to utilize them, as soon as it can be safely done, the Stop Sticks/ Magnum Spike will be removed from the roadway.

IV. PROCEDURES – Continued

E. Communications Center Responsibilities

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Immediately notify a supervisor when a pursuit is initiated.
3. Clear radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information.
4. Perform relevant record and motor vehicle checks.
5. Control all radio communications during the pursuit.
 - a. Oak Creek Police Department dispatch will continue to manage and maintain all dispatching for an Oak Creek pursuit after patching OCPDDISP (A-1) to OACHASE (A-16), unless the pursuit is turned over to another agency.
6. Coordinate assistance under the direction of the supervisor.
7. Continue to monitor the pursuit until it has been terminated.
8. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.
9. Assist with notification of mutual aid requests, if it is requested by the on-duty supervisor.

F. Supervisor's Responsibilities During Vehicular Pursuit

1. Upon notification that a vehicular pursuit incident is in progress, the supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.
2. The supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
3. In controlling the pursuit incident, the supervisor shall be responsible for coordination of the pursuit as follows:
 - a. Directing pursuit vehicles into or out of the pursuit;
 - b. Re-designation of primary, support or other backup vehicle responsibilities;
 - c. Approval or disapproval, and coordination of pursuit tactics.
4. The supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of:
 - a. The nature of the offense for which pursuit was initiated;
 - b. The number of suspects and any known propensity for violence;
 - c. The number of officers in the pursuit vehicles;

IV. PROCEDURES - Continued

- d. Any damage or injuries to the assigned primary and backup vehicle or officers;
- e. The number of officers necessary to make an arrest at the conclusion of the pursuit;
- f. Any other clear and articulable facts that would warrant the increased hazards caused by more than two (2) pursuit vehicles.

G. Traffic Regulations During Pursuit

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment (lights and sirens) prior to beginning pursuit.
2. Section §346.03 Wis. Stats. permits authorized emergency vehicles to disregard certain traffic regulations when in pursuit of an actual or suspected violator of the law.
3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.
4. Seatbelts and shoulder harnesses will be worn as per department policy.

H. Pursuit Tactics

1. Unless expressly authorized by a supervisor, the pursuit shall be limited to the assigned primary and backup vehicles. Officers are not otherwise permitted to join the pursuit team.
 - a. Other units in the area may position themselves at strategic sites along the probable pursuit route for response to any emergency that may develop. However, these units will not be operated in a pursuit capacity unless authorized by a supervisor.
 - b. When possible, squads that position themselves at intersections should attempt to keep uninvolved citizens from entering an intersection to avoid them from being struck by the fleeing vehicle.
2. Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle in order to force the vehicle to a stop off the road or in a ditch unless deadly force is justified.
3. Departmental policy pertaining to use of deadly force shall be adhered to during the pursuit.
4. *Passing* - There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor via radio broadcasts.
5. *Unmarked Police Vehicles* - Officers operating unmarked vehicles (providing the vehicle is equipped with a 360° display of emergency lights and siren) may engage in vehicular pursuit only when the fleeing vehicle presents an immediate and direct threat to life. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

IV. PROCEDURES – Continued

6. *Roadblocks* - The use of a roadblock must be authorized by a supervisor. Generally, a roadblock will be employed only as a last resort. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. The roadway shall not be completely blocked unless the use of deadly force would be authorized. Under no circumstances shall an officer attempt a roadblock with occupied vehicles.
7. *Stop sticks/ Magnum Spike* - When a pursuit is justified under the guidelines of this policy, stop sticks/ Magnum Spike may be utilized. When the stop stick/ Magnum Spike is deployed all personnel will be notified as to its location.
 - a. Stop sticks/ Magnum Spike will not be used for motorcycles.
8. Officers shall not become involved in another agency's pursuit unless specifically authorized by a supervisor. Involvement is considered any aspect of the pursuit which includes, but is not limited to, stop stick/ Magnum Spike deployment or the performance of arresting the offender(s). In these instances, all departmental pursuit policies are in effect.
 - a. Stop sticks/ Magnum Spike may be utilized in another agency's pursuit if authorized by a supervisor.
 - b. The agency will be notified that they are being put out and the location.

I. Operational Review of Pursuits

1. All pursuit situations shall be reviewed by the on-duty supervisor overseeing the pursuit. This supervisor shall complete a Pursuit Report by the end of his or her shift. A Use of Force report will be completed on all pursuits, whether or not a pursued vehicle is stopped, there is a known suspect, or there is information to follow-up with the vehicle owner/operator.
2. For the purpose of this operational review, a pursuit shall be defined as any violation meeting the criteria established in Sec. §346.04(3) Wis. Stats, regardless of whether the violator is charged with that offense.
3. The review process shall be initiated by the on-duty supervisor assigned to monitor the pursuit. Upon completion of the Use of Force Report, it shall be forwarded to the shift lieutenant from the shift that the pursuit originated from. Upon completion of the Use of Force report, it shall be forwarded per normal approval guidelines, including review from an EVOC instructor.
4. The supervisor will also complete and submit the Wisconsin Law Enforcement Pursuit Report electronically to the Wisconsin Department of Transportation via TraCS. A copy of the electronically submitted report will be forwarded to the Lieutenant in charge of Traffic and Safety.
5. The Lieutenant in charge of Traffic and Safety will track and keep a log/file on all pursuits.

V. DISCLAIMER

The Pursuit Policy developed by the Oak Creek Police Department is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the Pursuit Policy can only be the basis of a complaint by this Department, and then only in a non-judicial administrative setting.



David R. Stecker
Chief of Police

DRS/tp

- Attachment: *Wisconsin Law Enforcement Pursuit Report*

Policies/Pursuit Policy.doc