




**Division of State Patrol  
Policy and Procedure**

Number  
**3-9**

Subject <b>PURSUIT OPERATIONS</b>	
Author/Originator Bureau of Field Operations	Approved by  <b>Superintendent</b>
Records Management Statement Supersedes P&P 3-9 dated May 19, 2016 Posted on WisDOT Internal Website (SharePoint) at <a href="https://wigov.sharepoint.com/sites/dot-dsp/policy/SitePages/Home.aspx">https://wigov.sharepoint.com/sites/dot-dsp/policy/SitePages/Home.aspx</a>	

**I. POLICY**

It is the policy of the Division of State Patrol (DSP) to set forth guidelines on police pursuit operations for all Division employees in the performance of their duties as troopers, inspectors, supervisors and law enforcement dispatchers.

**II. BACKGROUND**

Division troopers and inspectors are authorized to pursue fleeing vehicles whenever the pursuit can be accomplished without creating an unreasonable danger. Officers have a personal and professional interest in the pursuit. They are concerned about both their own safety and the safety of the general public.

Police pursuit involves some element of risk. The risk of pursuit in certain situations is necessary to avoid the even greater loss that could occur if law enforcement agencies were not allowed to aggressively pursue violators.

The law permits necessary escalation of force directed against an offender to effect the apprehension so long as it is the minimum force reasonably necessary to overcome the offender's efforts either to evade apprehension or to cause harm to others.

Negligent or reckless actions committed by officers during a pursuit are prohibited. The duty to avoid injury to innocent third parties is superior to that of pursuit. Officers must balance the necessity of apprehension against the possibility of damage or injury that could result as a consequence of the pursuit. During the pursuit, constant evaluation of the situation must take place by the officer involved, due to changing conditions.

The pursuing officer, in a short period of time, will have to use good judgment; recall, including training and overall experience, bearing in mind applicable law, policy, procedures and guidelines outlined in this publication and apply them collectively to the existing circumstances.

### III. DEFINITIONS

- A. **Crash, Injury and Death** – these terms carry the same meaning as used in crash investigation. Basically, that the crash resulted directly from the pursuit, that the injury be evident and the death be medically attributable to the crash.
- B. **Due Regard** – the degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would exercise.
- C. **Primary Pursuing Unit** – the police unit that initiates a pursuit or any unit that assumes control of the pursuit by assuming the position immediately behind the pursued vehicle.
- D. **Pursuit** – police pursuit means 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.
- E. **Pursuit Intervention Technique (PIT)** – the intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to impede further progress and stop it. PIT is a specific technical maneuver that requires advanced practical training prior to use. The PIT is a Protective Alternative (at speeds of 35 mph or less) or Deadly Force (at speeds over 35 mph) in the Intervention Options on the Emergency Vehicle Operation/Vehicle Contacts Disturbance Resolution Model.
- F. **Ramming** – an intentional contact of a Division vehicle with another vehicle or object. For the purpose of this policy, this definition excludes the Pursuit Intervention Technique.
- G. **Roadblock** – any method, including the use of a moving vehicle, restriction, or obstruction utilized or intended for the purpose of preventing free passage of vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a vehicle.
- H. **Tire Deflation Device** – a tool designed to stop a vehicle by deflating pneumatic tires.

### IV. GENERAL PROVISIONS

A. **Pursuit** – The pursuit of vehicles and of a suspect's eluding vehicle is authorized in accordance with the following guidelines:

1. Felony violations – Officers shall pursue, attempt to stop and apprehend, as expeditiously and safely as possible, any person in a vehicle who the officer has reasonable grounds to believe:
  - a. Has committed or attempted to commit a felony involving the use or threatened use of deadly force when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm, or
  - b. Is operating a vehicle in a manner, which creates a high probability of death or great bodily harm.
2. All other criminal violations - Officers shall pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable grounds to believe the person has committed any criminal violation, but shall discontinue pursuit when the act of pursuit, in itself, creates an unreasonable danger of death or great bodily harm to officers, the one being pursued or to uninvolved persons.
3. Traffic violations - Officers may pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable grounds to believe the person has committed any traffic violation, but shall discontinue pursuit when the act of pursuit, in itself, creates an unreasonable danger of death or great bodily harm to the one being pursued or uninvolved persons.

B. **General** – All emergency vehicle operations shall be conducted in strict conformity with existing state statutes. Division troopers and inspectors engaged in emergency vehicle operations shall utilize both audible and visual emergency warning equipment when engaged in pursuit unless specifically exempted by statute.

1. An officer may exceed the speed limit without giving audible and visual signal if the officer is obtaining evidence of a speeding violation; however, the officer shall activate his/her emergency equipment and attempt to stop the violator once sufficient evidence of the violation has been obtained.
2. 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. When not giving a signal, the officer must reasonably believe that one of the following exists:
  - 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.
3. All personnel operating Division vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance and no task shall be expedited with such emphasis that the principles of safety become secondary. There are no tasks of such importance that they justify the reckless disregard of safety. Additionally, Division employees must necessarily take all of the following into consideration:
- a. Safety of all involved parties
  - b. Affected third parties
  - c. Existing road and weather conditions
  - d. Area demographics and terrain
  - e. Traffic conditions
  - f. Severity of the known offense
  - g. Pursuit speed
  - h. Necessity of pursuit
- C. **Termination of Pursuit** – Troopers and inspectors must continually evaluate the situation and continually question whether the seriousness of the crime justifies continuing the pursuit. Troopers and inspectors will not be censured for terminating pursuit when, in the officer's opinion, continued pursuit constitutes unreasonable risk. Pursuit shall be terminated under any of the following circumstances:
1. Division supervisory personnel order termination of pursuit.
  2. The suspect's identity has been established to allow later apprehension and there is no other need for immediate apprehension.

3. The prevailing traffic, roadway and environmental conditions create a situation of unreasonable danger to officers or other persons in the area which outweighs the competing public interests involved in the apprehension of the one being pursued.
4. The pursued vehicle's location is no longer known.
5. The trooper or inspector no longer has legal authority to continue pursuit.

Pursuit into an adjoining state is generally prohibited unless the violator is being pursued for a previously alleged felony crime.

- D. **Non-Division Vehicles** – DSP personnel shall not engage or participate in a pursuit while driving non-Division vehicles.

## V. PROCEDURES

- A. **Primary Pursuing Unit Responsibilities** – The officer initiating a pursuit shall notify the Communications Center 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. Vehicle description including license number if known
4. Reason for the pursuit
5. Number of occupants if known

- B. **Operational Responsibility** – The initiating or primary unit shall be in field command and assume operational responsibility for the pursuit unless relieved by a supervisor. The primary unit may maintain pursuit as long as it is safe to do so or until directed to terminate the pursuit by a supervisor. The following guidelines shall apply:

1. Roadblocks, Blockades and Ramming – These actions may be utilized only as set forth in Policy and Procedure 2-1 and 3-6.
2. Pursuit Intervention Techniques (PIT) – PIT is a form of ramming, and if utilized, should be identified as such and considered deadly force at speeds above 35 miles per hour. PIT may be utilized only when in compliance with Policy and Procedure 2-1.

Officers may employ the PIT against a pursued vehicle in order to terminate a pursuit or prevent a pursued vehicle from continued operation under the following circumstances:

- a. When all other means of apprehension have been considered and rejected as impractical.
  - b. When the use of PIT is in accordance with the prescribed training guidelines.
  - c. When the risk of harm to people of a continued pursuit outweighs the risk of harm to people from an intentional vehicular collision, and;
  - d. When the officer effecting the vehicular contact has been trained in PIT.
3. Use of Firearms – Policy and Procedure 2-1 regarding the use of deadly force shall be followed. Firing at or from a moving vehicle is generally prohibited and may be utilized, but only in rare and unusual circumstances and then only when in compliance with Policy and Procedure 2-1.
  4. Number of Pursuit Units – Pursuits should be accomplished with a minimum number of vehicles and normally be limited to not more than two actively involved police pursuit vehicles. The number of units involved may be adjusted to fit the situation.
  5. Spacing and Following Distance – All units in 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.
  6. Unmarked Patrol Vehicles and Motorcycles – Officers operating unmarked patrol vehicles or motorcycles should consider yielding the primary pursuing unit position as soon as that position can be assumed by a marked patrol unit. Factors, which may influence this decision, include circumstances such as knowledge of the area and degree of warning and protection required under the existing circumstances. The predominant intent is to provide maximum warning and protection to all parties, which may be affected.
  7. Specially Equipped Vehicles and Equipment – Consideration should be given to the availability and use of vehicles and equipment appropriate for positively affecting the outcome of the pursuit.
  8. Tire Deflation Device – The deployment of any tire deflation device by Division officers shall be subject to the guidelines provided in Policy and Procedures 3-6, Roadblocks and 2-1, Use of Force.

9. Air Support Unit Assistance – Aircraft will be utilized if available. When an air unit establishes visual contact with the pursued vehicle, ground units shall immediately be notified of that contact. The air unit will usually be in the best position to direct the movement of the primary pursuit unit and coordinate assistance.
10. Pursuit Termination – When the decision to terminate a pursuit is made, all officers will follow these steps:
  - a. Notify dispatch and fellow officers of your intent to terminate the pursuit via radio. (All other DSP responding units should also follow the guidelines below when a pursuit is terminated)
  - b. Reduce your vehicle speed to the legal speed limit.
  - c. Turn off your emergency equipment (lights and siren).
  - d. Confirm you have terminated the pursuit with the communication center/dispatch and notify them of your location after you have stopped your patrol vehicle in a safe location out of traffic.
  - e. Drive at the legal speed limit along the suspect's last known route of travel to check for vehicle crashes or other issues/situations created by the fleeing suspect.
11. Officers Involved – All involved officers shall submit an electronic Offense/Incident Report (eSP4500) within 10 days, which documents their involvement with the pursuit and related events. The report shall at a minimum include:
  - a. Location
  - b. Known offenses prior to pursuit
  - c. Offenses discovered after the pursuit has terminated
  - d. Speeds (including maximum)
  - e. Length of pursuit (time & distance)
  - f. Injured or killed (include occupant unit number and severity of injuries to correspond with the DT4000)
  - g. Crashes
  - h. Completed or abandoned pursuit

- i. All attempted and actual deployments of any tire deflation device
  - j. Property damage including tire damage caused by deployment of any tire deflation device to any involved or uninvolved vehicle
  - k. Other units involved
  - l. Dispatcher involvement
- C. **Law Enforcement Dispatcher (LED) Responsibilities** – When notified of a pursuit, the LED shall:
- 1. Clear the radio frequency when emergency traffic is broadcast by a pursuing unit and alert users on all applicable communications systems that “emergency traffic only” is allowed.
  - 2. Receive and record all incoming information on the pursuit and the pursued vehicle.
  - 3. Immediately inform the appropriate supervisor of the pursuit.
  - 4. Dispatch backup units and provide relevant information.
  - 5. Facilitate Division communication between the pursuing vehicles and any officer deploying a tire deflation device.
  - 6. Notify other agencies or State Patrol Communications Centers as applicable and request assistance if needed.
  - 7. Perform relevant motor vehicle and record checks.
  - 8. Monitor the pursuit until conclusion and advise all affected personnel.
- D. **Supervisory Responsibility** – Upon being notified of the pursuit, the supervisor shall:
- 1. Assume operational command from primary pursuit unit when deemed necessary.
  - 2. Determine that an appropriate number of units are involved in the pursuit.
  - 3. Determine the appropriate Division use of any tire deflation devices.
  - 4. Determine the appropriate Division application of the Pursuit Intervention Technique (PIT).



5. Determine the appropriate Division application or use of any roadblocks, blockades and/or ramming.
6. Coordinate Air Support Unit assistance if available.
7. Ensure proper radio frequencies and procedures are being followed.
8. In the event that the pursuit crosses region lines, assume or yield supervisory oversight of the pursuit to the adjacent region sworn supervisor as appropriate. This change of supervisory oversight should be formally communicated and acknowledged between the two supervisors. Each supervisor will inform his/her communications center of the change in supervisory oversight.
9. Ensure that an Offense/Incident Report (eSP4500) of each pursuit is completed by all involved officers.
10. Prepare and submit all applicable pursuit data through the Wisconsin Law Enforcement Pursuit Reporting Application at <http://dotnet/dsp/pursuits/>.
11. Prepare and submit a post-pursuit analysis and critique of the pursuit to the Region Commander. The post-pursuit analysis and critique shall, at a minimum, include all elements as outlined in Section V. B. 11. a. through l. of this policy, and a statement as to whether or not the pursuit was performed in accordance with this policy. If there were deviations from this policy, those deviations shall be identified in the supervisor's report.
12. After the post-pursuit analysis and critique is approved by the region commander, the supervisor shall conduct a pursuit review with all involved officers and dispatchers. The results of the review are to be recorded using the electronic Pursuit Review Form in the DSP SharePoint site located at <https://wisdot.sharepoint.com/sites/dsp/Lists/Test%20Pursuit%20Review%20Form/AllItems.aspx>. A copy of the post-pursuit analysis and critique, and any related audio recordings, is to be attached to the Pursuit Review Form using the "Attach File" function. A copy of all pursuit related videos are to be placed in folder named with the pursuit call for service (CFS) number and saved to the following location: N:\Pursuit Videos (in folders by CFS#). Copies of all new Pursuit Review Form entries are automatically delivered to the Director of the Bureau of Field Operations and the Division Emergency Vehicle Operations Course (EVOC) Coordinator at the Wisconsin State Patrol Academy for review, training analysis and consideration.
13. Facilitate notification of appropriate court jurisdiction(s), seeking restitution from the fleeing suspect for any damage that resulted by appropriate deployment of a tire deflation device(s). This shall include any damage occurring to the tire deflation device.

**NOTE: Supervisory responsibility as described in this policy will normally be assumed by the designated duty supervisor. Another supervisor may assume supervisory responsibility during a pursuit and, if done, must immediately communicate this to the applicable LED and duty supervisor if one is on-duty.**

**VI. REFERENCES**

DSP Policy and Procedure 1-1, Authority Powers and Duties  
DSP Policy and Procedure 2-1, Use of Force  
DSP Policy and Procedure 3-6, Roadblocks  
DT4000, Wisconsin Motor Vehicle Crash Form  
Emergency Vehicle Operation and Control: A Training Guide for Law Enforcement Officers, (Wisconsin Department of Justice Training and Standards Board, December 2014)  
eSP4500, Offense/Incident Report  
Wisconsin Stats. Sec. 85.07(8)(b); 346.04(3); 346.03(5); 346.03(6)