

	KENOSHA POLICE DEPARTMENT			
	POLICY AND PROCEDURE			
	41.2 Vehicular Pursuit			
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I. PURPOSE

The purpose of this policy is to minimize risk to the public and officers during the course of a police pursuit; to establish procedures which will increase the likelihood of apprehension of all persons who are attempting to evade arrest; to specify the manner of vehicle operation during the course of a police pursuit; and to provide guidance to supervisors and officers in determining when to terminate a pursuit.

II. POLICY

It is the policy of the Kenosha Police Department that:

- A. Motor vehicle pursuits of fleeing violators represent a high degree of risk to the officer involved, to private citizens, and to property which is publicly or privately owned. The decision to engage in a motor vehicle pursuit is that of the officer only after a proper evaluation of the situation has been made. The officer shall consider the severity of the offense, potential danger to the pursuing officer and to others, i.e., the density of population encountered, roadway conditions, climatic conditions, type of police vehicle being operated and the type of vehicle being pursued and why the continuation of the pursuit is necessary.
- B. Motor vehicle pursuit should be terminated when, in the judgment of the officer(s), the necessity of apprehending the violator is outweighed by the dangers created by motor vehicle pursuit.
- C. Engaging in a pursuit does not relieve the 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.
- D. Units carrying persons other than full-time sworn officers shall not engage in a motor vehicle pursuit.
- E. Attempt to secure vehicle and driver information, which should tend to discourage a pursuit from developing. If enough information is available, the officer should begin processing the case under Section 346.175, Wis. Stats., and "Vehicle owner's liability for fleeing a traffic officer."

III. APPLICATION

This directive shall apply to all motor vehicle pursuits of fleeing violators and fleeing criminals.

IV. DEFINITIONS

Police Pursuit: An active attempt by a law enforcement officer to stop a moving motor vehicle when the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his/her speed or by ignoring the officer's attempt to stop the vehicle.

Authorized Pursuit Vehicle: A vehicle used in response to an emergency situation or police pursuit which is equipped with one or more flashing, oscillating, or rotating red and blue lights, or in the case of a marked squad, a flashing, oscillating or rotating red light and blue light, so designed and mounted as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during the hours of darkness, and is also equipped with a device that will produce an audible signal, such as a siren or exhaust whistle.

V. REFERENCES

A STATUTES

Section 346.03, Wis. Stats.; "Applicability of rules of the road to authorized emergency vehicles."

The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, may exercise the privileges set forth in this section, but subject to the conditions stated in 346.03 and 346.04 Wis. Stats

B. Kenosha Police Department Policies ;

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| 1.3 | Use of Force |
| 17.6 (1) | Safe Operation of Department Vehicles |
| 26.1 | General Rules and Regulations |

VI. PROCEDURE

A. PURSUIT INITIATING SQUAD

The officer initiating a motor vehicle pursuit will insure:

1. That all emergency signaling devices, both audible and visual, are in operation.
2. The following circumstances are considered prior to initiating the pursuit:
 - a. The reason for the pursuit, i.e., severity of crime.
 - b. Necessity of conducting the pursuit.
 - c. Location and direction of the pursuit.
 - d. Road conditions.
 - e. Weather conditions.
 - f. Density of population.
 - g. Police vehicle to be used in the pursuit.
 - h. Type of vehicle to be pursued.

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3. If possible, the pursuing vehicle is positioned within close proximity to the subject vehicle before emergency signal devices are activated.
4. That the dispatch center is notified of the following:
 - a. The reason for the pursuit, i.e., severity of crime.
 - b. Location and direction of the pursuit.
 - c. Description of the vehicle, number of occupants and the license plate number of the vehicle.
 - d. Changes in the direction of the pursuit, situation and estimated speed of the suspect vehicle.
 - e. Any other pertinent information available to the officer or requested by dispatch.
5. That while engaged in the pursuit, a safe distance is maintained between the squad and the suspect vehicle, except in cases where the use of deadly force is necessary.
6. That if the violator abandons the vehicle, the dispatch center is notified of the location of the suspect and vehicle, and that the ignition key of the squad is removed before pursuing on foot.
7. That upon notification by a supervisor to terminate the pursuit, the pursuit is ended immediately.

B. UNMARKED SQUADS

Only in cases of unusual circumstances will a unit without a red light and blue light bar on the roof become involved in a motor vehicle pursuit, and only when the situation absolutely requires it. Unmarked squads shall not become involved in a motor vehicle pursuit for a traffic-related offense.

In all cases, the unmarked squad shall terminate the pursuit when a marked squad is in a position to continue the pursuit.

C. MOTORCYCLES

Motorcycle officers are primarily assigned to the enforcement of traffic and motor vehicle laws, and as such will be subject to the initiation of pursuits for traffic violations. Motorcycles have a lower visual factor to other motorists and a higher potential for accidents when involved in pursuits.

If the motorcycle officer must initiate a vehicular pursuit, the officer will terminate the pursuit when a marked squad is in a position to continue the pursuit.

D. UTILITY VEHICLES

Evidence, prisoner transport, accident investigations, and other non-pursuit rated vehicles should have limited involvement in vehicular pursuits. Officers operating such a vehicle should not become involved in a pursuit unless absolutely necessary. If the officer operating one of these vehicles must initiate a pursuit, the officer will terminate the pursuit when a marked squad car is in position to continue the pursuit.

E. ASSISTING PURSUIT SQUAD

1. The number of pursuing squads shall be limited to the squad initiating the pursuit and a secondary squad, which shall follow the front pursuit vehicle at a safe distance.
2. Other units in the area may position themselves at strategic locations along the probable pursuit route for response to any emergency that may develop; however,

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these units will not operate in an emergency capacity or participate in the pursuit unless the officer(s) has reason to believe the occupants of the pursued vehicle have committed or attempted to commit a crime which involved the threat of or resulted in death or great bodily harm to an individual(s), or is authorized by a supervisor.

3. The secondary squad will assume the responsibility for communications with the dispatcher center, once it is in position, thus allowing the primary pursuit squad to concentrate on vehicle operation.
4. Should the pursuit leave the city limits, only the initiating squad and one assisting squad will continue the pursuit unless otherwise directed by a supervisor.
5. Any officer actively involved in the pursuit shall notify dispatch.

F. OTHER AGENCY PURSUIT

When a motor vehicle pursuit enters our city, only one squad will assist the outside agency, unless additional squads are authorized by a supervisor. Our squad(s) will maintain a safe distance and advise the dispatch center of the pertinent information. Once the pursuit leaves our city, the assisting squad will terminate the pursuit.

G. PURSUITS INTO ILLINOIS

No pursuit will continue into the State of Illinois for a forfeiture, misdemeanor, ordinance violation and/or non-violent felony. Permission must be received from a supervisor prior to entering the State of Illinois in the pursuit of a known or suspected violent felon. Prior to crossing the state line, the dispatcher will notify the appropriate Illinois authority to coordinate the pursuit and the channels to be used for communications, i.e. Lake County, Illinois State Police, Tollway Police, or Winthrop Harbor.

H. PURSUITS OUTSIDE OF KENOSHA COUNTY

No pursuits will continue outside of Kenosha County for forfeiture, misdemeanor, and/or ordinance violations. Permission must be received from a supervisor prior to entering an adjoining county in pursuit of a known or suspected felon. If the county line is crossed, the adjoining county will be notified to coordinate the pursuit and the channels to be used for communications.

VII. USE OF FORCE PURSUITS / INTERVENTION TACTICS

In a pursuit situation, use of deadly force is only used as a last resort when faced with an imminent threat of death or great bodily harm to yourself or others. Behavior, which justifies the use of deadly force, is that which has caused or imminently threatens to cause death or great bodily harm to you or to another person. Deadly force may not be used to stop a suspect known to have committed a property crime or misdemeanor. When attempting to stop a person on mere suspicion, deadly force may not be used if the person flees to avoid you.

A. EMERGENCY ROADBLOCKS

Barricading a roadway is the use of a high degree of force. Therefore, roadblocks shall be utilized only as a last resort where the violator being pursued constitutes an immediate and continuing threat to the safety of the public.

1. Because of the obvious dangers inherent with the use of roadblocks, they shall not be used when the possibility of danger to innocent persons exist.
2. Roadblocks will only be used on the order of the Shift Commander. Upon receiving such an order to roadblock, the officer(s) setting up the roadblock will not remain with their vehicle(s), but seek a safe position.

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3. Emergency roadblocks should not be set up in a dark or blind area, such as just over hills or around curves, etc.
4. Emergency roadblocks must be clearly visible so officers will make use of all emergency visual aid equipment available. This is to provide adequate warning to allow vehicles to come to a safe stop.
5. The roadway shall not be completely blocked unless the use of deadly force is authorized. Under no circumstances shall an officer attempt a roadblock with an occupied vehicle.
6. When pursuit assistance is provided by other law enforcement agencies, establishing roadblocks is the responsibility of the requesting agency. Departmental vehicles shall not be used as a roadblock for these agencies unless specifically authorized by a department supervisor.

B. TIRE DEFLATION DEVICES (Spike or Stop Sticks)

The use of tire deflation devices is encouraged as a safe and reasonable way to terminate a pursuit by deflating the tire(s) of an offending vehicle, thereby slowly and safely bring the vehicle to a stop. The use of tire deflation devices requires precise timing, open lines of communication and coordination with all officers involved in the pursuit, including dispatch.

1. Tire deflation devices will only be deployed by officers trained in their use. A supplemental report detailing the use or attempted use of a tire deflation device is required.
2. Officers shall avoid deploying tire deflation devices in areas with heavy traffic, locations with pedestrians nearby, near road construction, steep grades/embankments, curves or obstacles that limit the deploying officer's view of traffic and the approaching pursuit.
3. These devices **shall not** be used to stop motorcycles, mopeds, other two-wheeled vehicles, three-wheeled vehicles or all-terrain vehicles unless the use of deadly force is justified.
4. Tire deflation device deployment on vehicles transporting hazardous materials or buses with passengers is prohibited unless exigent circumstances exist and permission is granted by the shift commander or designee.
5. Supervisory approval must be obtained prior to the use of a tire deflation device in another jurisdiction.

C. LAWFUL VEHICULAR INTERVENTION (RAMMING)

The use of a vehicle to force another vehicle off the road is the use of deadly force. This method of stopping a vehicle will not be used in misdemeanor cases, and will be used only as a last resort when pursuing the most serious felony suspects. Before making a decision to use deadly force, officers will be fully informed of those sections of the departmental "Use of Force" policy specifying authorized conditions for the use of deadly force.

D. USE OF WEAPON

Shooting at a fleeing motor vehicle is the use of deadly force and is prohibited, except in cases where there is an immediate threat of death or great bodily harm to an officer or member of the public.

VIII. DISPATCH OPERATION – PURSUIT IN PROGRESS

- A. The dispatch center will advise all squads of the pursuit and radio traffic will be restricted to "emergency communications only" until the pursuit is terminated.
- B. The dispatch center will immediately notify the shift supervisor of the pursuit.

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- C. The dispatch center will keep a running log of as much information as possible regarding the pursuit, i.e., the location, direction of travel, speed, make, model and license plate number of the vehicle, if available, the reason for the pursuit, and also if any stop signs or other signs are knocked down during the chase.
- D. The dispatch center will advise the adjacent jurisdiction that the pursuit may leave our city and enter another jurisdiction.
- E. If the suspect is apprehended, or if the pursuit is abandoned or terminated, the dispatch center will advise the other squads, the supervisor, and any other law enforcement agencies involved to terminate the pursuit.

IX. TERMINATION OF PURSUIT

Each pursuit is unique and an officer must use his/her judgment in a continuous appraisal of whether or not the pursuit shall be continued. It is always better that a violator escape than to unnecessarily risk lives or injury. A decision not to pursue a violator or to discontinue a pursuit does not reflect on an officer's courage, but rather is recognized by all members of the department as a decision which indicates a concern for life and property – the first consideration of all police officers.

- A. A pursuit shall be terminated when:
 - 1. Ordered by a supervisor.
 - 2. The offense is a misdemeanor and the identity of the violator is known, i.e. severity of crime committed.
 - 3. The pursuing officer or the general public would, in the judgement of the officer, be unreasonably endangered, i.e. motor vehicle pursuit through a congested highway, pedestrian traffic, school zone, density of population.
 - 4. When the pursuit will continue into the State of Illinois for a forfeiture, misdemeanor, ordinance violation and or non-violent felony.
 - 5. When the pursuit will continue out of Kenosha County and the initial pursuit is for a forfeiture, misdemeanor and/or ordinance violation.
 - 6. The pursuing officer or the general public would, in the judgment of the officer, be unreasonably endangered.
 - 7. Environmental conditions do not permit the safe continuation of a pursuit, i.e. road or weather conditions, snow, heavy rain.
 - 8. Distance between the pursuit and fleeing vehicle becomes so great that further pursuit is futile.
 - 9. Supervisors must take into consideration the speeds attained, duration of pursuit, and condition of the squads as the pursuit continues.
 - 10. Overall assessment is made of necessity of continuing pursuit.
- B. A pursuit will be terminated in the following manner:
 - 1. Notify the dispatcher of your decision to terminate the pursuit and your location.
 - 2. Reduce speed to the speed limit.
 - 3. Turn off your emergency lights and siren.

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4. Continue in the direction of the fleeing party for a short distance in order to check for accidents or other problems possibly created by the fleeing subject.

X. SUPERVISORY RESPONSIBILITIES

- A. Supervisors shall monitor and control all motor vehicle pursuits from the time notified until concluded. The supervisor shall decide as quickly as possible whether or not the pursuit should continue and continuously review the incoming information to determine whether the pursuit should be continued or terminated.
- B. The decision to initiate and continue a motor vehicle pursuit rests primarily with the officer involved. However, the supervisor monitoring the pursuit is at all times responsible for evaluating the circumstances of the pursuit. If, in the opinion of the supervisor, the circumstances dictate, the supervisor shall order the pursuit terminated after he/she has at least considered the following:
 1. Road conditions.
 2. Density of population.
 3. Severity of the crime alleged.
 4. The necessity of continuing the pursuit.
- C. Supervisors shall not be actively involved in a vehicle pursuit unless absolutely necessary for safety or for the purpose of deploying a tire deflation device.
- D. In controlling the pursuit incident, the supervisor shall be responsible for coordination of the pursuit as follows:
 1. Directing pursuit vehicles into and out of the pursuit;
 2. Redesignating of primary, secondary or other back-up vehicle responsibilities;
 3. Approval or disapproval, and coordination of pursuit tactics;
 4. Approval or disapproval to leave jurisdiction to continue the pursuit.
- E. The supervisor may approve and assign additional back-up vehicles to assist the primary and secondary vehicles based on an analysis of:
 1. The nature of the offense for which the pursuit was initiated;
 2. The number of suspects and any known propensity for violence;
 3. The number of officers in the pursuit vehicles;
 4. Any damage or injuries to the assigned primary and back-up vehicles or officers;
 5. The number of officers necessary to make the arrest at the conclusion of the pursuit.
 6. Any other articulately facts that would warrant the increased hazards caused by numerous pursuit vehicles.
- F. The supervisor shall respond to the termination point of the pursuit immediately and ensure, for the duration of the pursuit and the apprehension of the suspect(s) that this policy and department procedures are followed by all officers.
- G. Supervisors should refer to Kenosha Police Department Policy 1.3 (IX), Use of Force, which provides investigative guidelines for a pursuit which results in the death of a citizen or officer.

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H. Upon completion of a pursuit, the Shift Commander shall:

1. Ensure that all the proper reports are completed by the involved officers whether an apprehension is made or not.
2. Debrief all participants in chase.
3. Submit a summary report to the Chief of Police, Deputy Chief and Inspector of Police which will include the names and statements of citizen witnesses and a preliminary disposition and recommendation.
4. Ensure that the Pursuit Report form is completed, submitted and a copy forwarded to the Captain of Planning, Research, and Training.

XI. TRAINING AND POLICY ISSUANCE

All officers, prior to being authorized to operate a motor vehicle as an authorized pursuit vehicle, will be issued a copy of this policy and Policy 1.3, Use of Force of the Kenosha Police Department in conformance with Policy 4.3 of the Kenosha Police Department.

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