

MARSHALL POLICE DEPARTMENT POLICY		TITLE: OPERATION & USE OF EMERGENCY VEHICLES/PURSUIITS	
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SPECIAL INSTRUCTIONS:			

I. PURPOSE

The purpose of this document is to establish a policy for the operation and use of emergency vehicles by the members of the Marshall Police Department. The use of police emergency vehicles for routine duties, for pursuits, roadblocks, silent responses to crimes, escorts of other vehicles and transportation of sick and/or injured persons will be addressed in this policy.

II. POLICY

It is the policy of the Marshall Police Department that police vehicles shall be operated in a safe manner. No task, call or incident justifies an unreasonable disregard for the public's safety. The operation of police vehicles, whether or not the emergency equipment on the vehicle is in operation, shall always be with due regard under the circumstances for the safety of all persons.

Vehicles used by this department for traffic or criminal law enforcement shall be equipped with emergency warning lights and siren except when authorized by the Chief of Police under exceptional circumstances. Members of this department shall comply with all applicable State and Village traffic laws and regulations and with the requirements of this policy when operating any departmental vehicle.

Vehicular Pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the agency to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this law enforcement agency to regulate the manner in which vehicular pursuits are undertaken and performed.

III. DISCUSSION

IV. DEFINITIONS

- A. Authorized Emergency Vehicles (Equipment): Department vehicles equipped with flashing, oscillating or rotating red or red and blue lights and a siren or other operable emergency equipment as designated by state law. Authorized emergency equipment does not include flashing yellow lights or 4-way hazard lights on police vehicles although these lights may be used in conjunction with emergency lighting.
- B. Emergency Driving: Operation of a police vehicle in response to a report of a life threatening or other serious incident or crime, when in pursuit of an actual or suspected violator of the law or when responding to, but not from, a fire alarm.
- C. Fixed Roadblock: A full or partial roadblock established at a fixed point.
- D. Moving Roadblock: The use of one or more moving police vehicles to block the roadway and prevent the continued movement of a vehicle traveling in the same direction.

- E. Primary Unit: The Police unit which initiates a pursuit or any unit which assumes control of the pursuit.
- F. Pursuit Driving: An active attempt by an officer in an authorized emergency motor vehicle to apprehend one or more occupants of another moving motor vehicle where the driver of the fleeing vehicle is aware of the officer's attempt to stop his/her vehicle and is knowingly resisting the officer's attempted apprehension.
- G. Roadblock: A deliberate obstruction by physical means of a roadway for the purpose of stopping vehicles to inspect them or their contents or to interview or apprehend drivers or other occupants of the vehicle.
- H. Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.
- I. Secondary Unit: Any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

V. PROCEDURE

A. Use of Authorized Emergency Equipment on Police Vehicles.

1. All department vehicles used for patrol or investigative purposes shall be equipped with authorized emergency equipment.
2. The Chief of Police may authorize the use of vehicles not equipped with emergency lights or siren under unusual circumstances where the use of a vehicle having this equipment may compromise the investigation. Officers utilizing such vehicles shall not drive in a manner that would otherwise require the use of emergency equipment.
3. Officers shall use red, or red and blue, emergency lights and sirens whenever engaged in emergency driving or pursuit driving with the exception of gathering evidence of speeding violations or silent responses to felony in progress calls as authorized in state statutes and this policy.
4. Emergency lighting alone may be used to affect a simple traffic stop. However, the siren shall be engaged if the target vehicle fails to respond, increases speed or otherwise fails to obey the initial signal to pull to the side of the road.
5. Alternating headlights, 4-way hazard warning lights and the yellow flashing lights located on some overhead light bars may be used in conjunction with, but not in lieu of, authorized emergency lighting or equipment.
6. "Take-down" spotlights, side "alley" lights and hand held spotlights may be used by officers at their discretion for visibility purposes but should not be used so as to blind or obstruct the vision of other motorists.
7. Public address systems on police vehicles may be used by officers at their discretion for enhanced communications over distances, if necessary. Unless the circumstances warrant, use should be limited during late evening and early morning hours.

B. Authorized Emergency Vehicle Exemptions to Traffic Laws.

1. Section 346.03, Wis. Stats., permits authorized emergency vehicles to disregard certain traffic regulations when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but

not from, a fire alarm, subject to the conditions and guidelines listed below.

- a. Officers may stop, stand or park irrespective of parking regulations if the police vehicle's emergency lighting is in operation. Use of the flashing yellow lights on the overhead light bar or 4-way hazard flashers without also using the emergency lights does not exempt police vehicles from the parking regulations.
 - b. Officer's may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation, may exceed the speed limit and may disregard regulations governing direction of movement or turning in specified directions if the police vehicle's emergency lighting and siren are in operation.
2. Officers may exceed the speed limit without using emergency lighting and siren when obtaining evidence of a speeding violation or when responding to a call, which the officer reasonably believes, involves a felony in progress and the officer also reasonably believes knowledge of the officer's presence may:
- a. Endanger the safety of a victim or other person; OR
 - b. Cause the suspect to evade apprehension; OR
 - c. Cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony; OR
 - d. Cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.
3. The exemptions granted by statute and outlined in paragraphs 1 and 2, above, **DO NOT RELIEVE OFFICERS FROM THE DUTY** to park and drive departmental vehicles with due regard under the circumstances for the safety of all persons.

C. Emergency Driving Guidelines.

1. Officers shall consider the following factors and guidelines when engaged in emergency driving:
 - a. Road, weather and visibility conditions.
 - b. Density of population in the area including the presence and amount of pedestrian or vehicular traffic.
 - c. The severity of the incident and/or offense to which the officer is responding.
2. Officers engaged in emergency driving shall exercise caution and operate departmental vehicles in a manner consistent with the factors and guidelines enumerated in paragraph 1., above. Due regard for the safety of all persons shall always be a primary consideration when engaged in emergency driving.

D. Pursuit Guidelines and Procedures.

1. Officers shall consider the following guidelines when determining whether to initiate, continue or terminate a pursuit:
 - a. Whether the person being pursued poses a significant threat of death or

great bodily harm to the public, beyond the act of fleeing the officer, if not immediately apprehended.

- b. Road, weather and visibility conditions.
- c. The time of day and density of population in the area including the presence and amount of pedestrian or vehicular traffic.
- d. The severity of the incident and/or offense for which the officer is attempting to apprehend the suspect.
- e. The necessity of the pursuit based upon whether the identity of the suspect is known or can be determined permitting apprehension at a later time.
- f. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
- g. Pursuits shall not be initiated or continued when the officer, or supervisor assigned to the pursuit, objectively evaluates these factors and feels the risk to the public safety outweighs the value of the apprehension of the subject being pursued.

2. The following restrictions shall apply to all pursuits by members of this department and will be conducted in strict conformity

- a. All officers involved in the pursuit must utilize emergency lights and sirens.
- b. No more than two (2) police vehicles shall be in direct pursuit of the suspect vehicle at any time. This shall include police vehicles from other agencies that pursue a vehicle into this village or join a pursuit initiated by this department that enters another jurisdiction. Police vehicles, other than the two in direct pursuit, may parallel or otherwise position themselves to assist or observe escape routes but shall not directly be involved in the pursuit unless instructed to participate by a supervisor.
- c. Unmarked squad cars shall not actively participate in a pursuit except in an extreme emergency. These vehicles may actively participate in a pursuit only where the occupant(s) of the fleeing vehicle pose a significant threat of death or great bodily harm to the public, for reasons unrelated to the pursuit, unless immediately apprehended.

These police vehicles shall actively participate in the pursuit only until a marked squad car can join and take over the active pursuit. Otherwise, officers operating these vehicles, who observe a fleeing vehicle, may only attempt to maintain sight of the fleeing vehicle until a marked squad can initiate the pursuit. Officers operating these vehicles may assist in a pursuit by positioning themselves for surveillance of possible escape routes or to assist in the actual physical apprehension of the suspects if the fleeing vehicle is successfully stopped.

- d. An on-duty field supervisor or County officer-in-charge shall be assigned to all pursuits to monitor the pursuit; to commit, direct, or withdraw other units involved in the pursuit; and to terminate the pursuit, if necessary.
- e. Officers shall not engage in a vehicle pursuit while there is a citizen occupant in the police vehicle, including, but not limited to, persons arrested, victims, witnesses, ride-alongs, explorers or non-sworn

members of the department.

- f. Decisions to discharge firearms at or from a moving vehicle, or to use roadblocks, shall be governed by this agency's use of force policy, and are prohibited if they present an unreasonable risk to others. They should first be authorized by a supervisor.
- g. Once the pursued vehicle is stopped, officer shall utilize appropriate safety tactics and shall be aware of the necessity to utilize on reasonable and necessary force to take the suspect(s) into custody.

3. Officer's Actions Upon Initiation of a Pursuit.

- a. All officers or supervisors shall consider the factors and guidelines in paragraph 1., above, when deciding to initiate, continue or terminate a pursuit.
- b. Officers initiating a pursuit shall immediately notify the Communications Center by providing the following information:
 - (1) A pursuit is in progress.
 - (2) The reason for the pursuit.
 - (3) The officer's location and direction of travel.
 - (4) A description of the vehicle and its occupants.
- c. The officer shall continually update the Communications Center on the progress of the pursuit including changes in direction, speed and additional identifying information of the fleeing vehicle or its occupants.
- d. The officer shall immediately notify the Communications Center if (s)he loses sight of the pursued vehicle or if the officer has decided to terminate the pursuit.
- e. Officers will normally terminate a pursuit if the vehicle and its operator can be identified, or when it is apparent the operator of the pursued vehicle is not going to yield to the officer, and the risk to the public safety outweighs the value of continued attempts to apprehend the operator of the vehicle.

4. Communications Center Actions During a Pursuit.

- a. Upon notification, the Communications Center shall advise all officers that a pursuit is in progress and shall restrict radio traffic on Channel 1 for exclusive use by personnel involved in the pursuit.
- b. The Communications Center shall immediately assign an officer-in-charge to monitor the pursuit.
- c. The Communications Center shall keep all involved units advised of updated information from the pursuing officer and shall assist in directing other units to assist, intercept, or place themselves in positions of surveillance during the pursuit.
- d. The Communications Center shall coordinate with other police agencies that are or may become involved in the pursuit by a vehicle fleeing their agency into this jurisdiction or fleeing this agency into their jurisdiction.

5. Assisting Officer's Actions During a Pursuit.

- a. Assisting officers may either be directly involved in the pursuit, with no more than two officers in direct pursuit of the fleeing vehicle, or may assist by covering possible routes of escape, setting up on possible routes of travel to obtain the license number, description of the fleeing vehicle or to establish roadblocks, if authorized by a supervisor.
- b. Assisting officers shall consider and comply with the guidelines and restrictions for pursuit listed in paragraphs 1. and 2., above. Assisting officers who take over a pursuit initiated by another officer or agency shall also comply with paragraph 3., above.
- c. Officers shall not drive with reckless disregard for the safety of other road users.

6. Supervisor's Actions During a Pursuit.

- a. The supervisor assigned to monitor a pursuit shall evaluate the progress of the pursuit and whether it should continue by the guidelines enumerated in paragraph 1., above.
- b. The supervisor shall direct the actions of the pursuing officer(s) and the assisting officers to attempt to successfully conclude the pursuit as safely and quickly as possible.
- c. The supervisor will continually weigh the guidelines in paragraph 1., above, and the progress of the pursuit against the danger to officers and the public and shall terminate the pursuit at any time if (s)he feels the danger to the officers or public outweighs the value of the apprehension of the suspects.
- d. Where possible, a supervisory officer shall respond to the location where a vehicle has been stopped following a pursuit.

E. Roadblocks and Ramming During Pursuits.

- 1. The use of fixed or moving roadblocks or the intentional ramming of the fleeing vehicle by police vehicles shall only be used as a last resort to stop a fleeing vehicle. Officers shall be specifically trained on use of forcible stop techniques before they are allowed to apply such techniques. Only when all other reasonable means to stop the vehicle, or convince the operator of the vehicle to stop, have been exhausted will the use of roadblocks or ramming be used and only under the following circumstances:
 - a. The occupant(s) of the vehicle are reasonably believed to have been involved in the commission of a felony involving the use or threatened use of deadly force; OR
 - b. The continuing manner of operation of the fleeing vehicle is creating a substantial risk of death or great bodily harm to the public; OR
 - c. The occupant(s) of the fleeing vehicle pose a significant threat of death or great bodily harm to the public, for reasons unrelated to the pursuit, if not immediately apprehended.
- 2. Prior to the use of a roadblock, or the intentional ramming of the fleeing vehicle, officers shall make every effort to obtain permission from the supervisor assigned to monitor the pursuit.
- 3. If a fixed roadblock is to be established, a reasonable attempt shall be made to

establish the roadblock in the following manner:

- a. The presence of vehicular or pedestrian traffic, weather conditions, visibility, time of day and physical aspects of the roadway shall all be considered to choose a location that affords the greatest degree of safety.
 - b. The area chosen should be as well lighted as possible and all available means of additional lighting should be used, including, but not limited to, emergency equipment lighting, headlamps and 4-way hazard warning lights, to ensure the roadblock is readily seen.
 - c. Police vehicles shall not be parked so as to completely block the roadway or to intentionally force a collision. Sufficient room shall be left to allow for an "escape route" for the eluding vehicle.
 - d. Roadblock locations shall be selected so as to provide approaching vehicles adequate time and distance to stop and avoid a collision.
 - e. Civilian vehicles or other private property shall not be used to establish a roadblock without the express permission of the supervisor assigned to monitor the pursuit and only then as a last resort.
 - f. All persons shall be removed from the area of the roadblock and all officers shall be located away from their parked vehicles to prevent injury to the officers should a collision occur.
 - g. The Communications Center shall be notified of the location of the roadblock, when it is being established and when it is removed.
 - h. Roadblocks shall be established for a minimum amount of time and shall be removed as soon after its intended use as possible. The roadblock should be removed before its intended use if it becomes apparent the roadblock is creating an unreasonable hazard.
4. Moving roadblocks are extremely hazardous and shall be used only in extreme circumstances if high speeds are involved in the pursuit. Moving roadblocks are better suited, and may be used under less extreme circumstances, when low speeds, approximately 30 M.P.H. or less, are involved and the driver of the fleeing vehicle simply refuses to come to a complete stop for officers. The following factors shall be considered when establishing a moving roadblock:
- a. The presence of vehicular or pedestrian traffic, weather conditions, visibility, time of day and physical aspects of the roadway shall all be considered to choose a location which affords the greatest degree of safety to initiate a moving roadblock.
 - b. Emergency lighting and sirens shall be in operation and officers shall attempt to gradually initiate the moving roadblock to avoid a collision and give the suspect every reasonable opportunity to stop without striking a police vehicle. Unintentional contact by the officer's vehicle with the suspect's vehicle during the course of a moving roadblock shall not be considered ramming as described below.
 - c. Moving roadblocks shall be established for a minimum amount of time and shall be discontinued as soon after its intended use as possible. A moving roadblock shall be terminated if it becomes apparent the roadblock is creating an unreasonable hazard to officers, citizens or the suspect.

5. The intentional ramming of a fleeing vehicle by an officer's vehicle is extremely hazardous to both the officer and the suspect and is generally prohibited except under the most serious of circumstances as described in paragraph 1., above.
 - a. Officers should not attempt to ram a fleeing vehicle except at lower speeds in situations involving the most serious of circumstances.
 - b. Prior to ramming the fleeing vehicle, officers will make every effort to obtain permission from the supervisor assigned to monitor the pursuit.
 - c. If ramming is to be attempted, the officer shall attempt to choose a location having the least possibility that pedestrians, other vehicles or fixed objects may be struck if the officer's or suspect's vehicle should lose control as a result of the ramming. The intent of ramming shall be to force the fleeing vehicle to stop or disable it, not to cause significant damage to the suspect's vehicle or injury to the suspect.

F. Termination of the Pursuit:

1. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of a pursuit at any time.
4. A pursuit may be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

G. Multi-jurisdictional Pursuits.

1. Pursuits initiated by this agency.
 - a. Officers of this department may continue a pursuit initiated in this village into another jurisdiction.
 - b. Officers continuing a pursuit into another jurisdiction shall continue to comply with all applicable statutes and the provisions of this policy.
 - c. Communications Center personnel and the supervisor assigned to monitor the pursuit shall coordinate the actions of the pursuing officer(s) with members of other agencies who may join in the pursuit.
2. Other Agency Pursuits Entering This Jurisdiction.
 - a. Officers of this department shall assist other agencies that enter the village while in pursuit of a fleeing vehicle. Pursuit guidelines and procedures discussed in Section D., above, shall be followed by all officers of this department while assisting another agency within the village.
 - b. An O.I.C. shall be assigned to monitor and coordinate activities of this agency while assisting the other agency with its pursuit.
 - c. If a pursuit by another agency enters the village and then begins to leave the village, officers of this agency should not continue in pursuit unless

the initiating agency is no longer able to continue the pursuit, the other agency requests further assistance or when so directed by the O.I.C. from this agency assigned to monitor the pursuit.

G. Operational Review of Pursuits

1. All pursuit situations involving Marshall police officers shall be reviewed by the Chief of Police.
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 Chief of Police.
4. The officer(s) involved, shall also complete the State mandated "Wisconsin Law Enforcement Pursuit Report" and submit it to Chief of Police. The Chief of Police will be responsible for compilation and submission of the pursuit report to the State Department of Transportation.

I. Vehicle Escorts, Emergency and Non-emergency.

1. Escorts of emergency vehicles from this or other agencies by emergency vehicles of this department is generally discouraged. While officers may stop traffic at intersections or otherwise control the movement of traffic to assist the passage of the emergency vehicle, actual escort of the emergency vehicle is not recommended except in unusual circumstances.
2. Officers shall attempt to obtain prior permission from the O.I.C. before escorting another emergency vehicle. Supervisors should grant permission only in limited circumstances where the inherent danger of several emergency vehicles traveling in tandem is justified by the need for such an escort. Such circumstances would involve a significant danger to life or serious property damage that could be lessened by such an escort, e.g. escorting an ambulance with a seriously ill patient that lost all or part of its emergency equipment or is not from the immediate area and does not know the location of the medical facility.
3. Escort of Civilian Vehicles in Medical Emergencies.
 - a. Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and is not authorized.
 - b. Officers who encounter situations where medical transport is needed shall immediately render first aid, as appropriate, and shall summon medical assistance and transport, if needed, through the Communications Center. If the operator of a civilian vehicle refuses to wait for medical transport and prompt medical assistance is needed, the officer may lead the civilian vehicle to the nearest medical facility but shall not use emergency equipment, shall obey all traffic regulations and shall take the most direct route.
 - c. Officers shall not convey injured or ill persons to a medical facility for treatment in department vehicles. While officers cannot force persons to obtain medical assistance or accept medical transport, except in limited circumstances, officers shall encourage persons to accept these services and shall provide all necessary assistance until the emergency medical services arrive at the scene.
4. Escort of Non-emergency Vehicles.

- a. Requests for routine, non-emergency escorts of dignitaries, oversized vehicles, parades, special events or hazardous or unusual cargo shall be directed to the Chief of Police for approval.
- b. If the request is approved, the Chief of Police shall make arrangements for an officer to provide the escort services.
- c. Last minute requests, when the Chief of Police is not available, shall be directed to the Lieutenant or other supervisor for consideration.
- d. Approval for escort services should be based on the following criteria:
 - (1) Security considerations such as when a dignitary, diplomat, or demonstration involving sensitive issues is involved.
 - (2) Potential for disruption of traffic or danger to pedestrians if an escort is not provided.
 - (3) Size of vehicles involved, route of travel, time of day and anticipated traffic conditions including the possibility of changing the route or time frame to avoid such conditions and the need for an escort.
 - (4) The possible use or adequacy of private escort vehicles.
 - (5) Any other factors that would indicate the need for a police escort or assistance.

VI. Training:

Officers who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

VII. For Departmental Use Only

This policy is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions.

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Lee Hellenbrand
Chief of Police