

		
	Vehicle Pursuits	

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 relation to the suspect vehicle.

C. SECONDARY PURSUING UNIT

The police unit that actively participates in a pursuit and is positioned 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)

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

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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.

apprehension outweighs the level of danger created by the vehicle pursuit.

3. policy, may be initiated and maintained for a lesser offense than

- 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 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.

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. 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.

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. 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:

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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 pursuits0BT1 0 0 1 198.02

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 d

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 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. 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

