



# UW-Madison Police Department

**Policy: 41.2**

**SUBJECT: PATROL OPERATIONS**

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## **POLICY:**

Emergency vehicle operations shall be conducted in accordance with existing statutes. UW-Madison Police Department personnel have a duty to drive with due regard at all times.

## **DEFINITIONS:**

“Administrative Review” is a time-sensitive assignment given to a manager to gather the facts of an incident. It may include but is not limited to reviewing initial written reports and video. The purpose of an administrative review is to determine if there are policy or safety issues that require a more thorough internal investigation, or any violation of law. If an internal investigation is not required, training and procedural recommendations may be made.

“Dwelling” means a structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident.

“Eluding” [§ 346.04 \(3\)](#) No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or the traffic officer or other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

“Internal Investigation” is an investigation to gather the facts of an incident in detail to determine if a violation of departmental rules or policy occurred by an employee. An Internal Investigation may begin as an Administrative Review. For some incidents, an Internal Investigation is required by policy. The Internal Investigation includes gathering information from interviews of the primary personnel related to an incident as well as other officers, arrested persons, victims and witnesses. It may include but is not limited to reviewing written reports, video, reports from other agencies that produced reports, and physical evidence. When it is determined that discipline is a possible outcome, interviews shall be in accordance with the discipline process. If it is determined through an internal investigation that a violation of law may have occurred, the Chief of Police may direct the initiation of a parallel criminal investigation. A criminal investigation is conducted by someone other than the person conducting the internal investigation, and information is not shared between the two.

“Periodic Analysis” is a review of a critical work product as prescribed by various policies. The purpose of a periodic analysis is to determine trends, identify training needs and summarize a group of events. If a periodic analysis reveals a specific policy issue originating with a specific incident, an internal investigation of that incident may be initiated.

[“Pursuit” § 85.07\(8\)\(a\)](#) – 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 officers visual or audible signal to stop his or her vehicle, increasing the speed of the vehicle or extinguishing the lights of a vehicle.

“Reasonable Suspicion” is a less demanding standard than probable cause. Reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause. Reasonable suspicion can arise from information that is less reliable than that required to show probable cause.

“Violent Felony” means a violation of a Wisconsin State Statute classified as a felony, which involves actual or threatened attack on a person or persons and includes the use of force or threatened the use of force.

## **PROCEDURE:**

### **41.2.1.1 CALL RESPONSE PRIORITIES**

- A. Routine incidents are calls for police services where a quick response is not essential for the preservation of life or property. Routine incident response is appropriate for calls where crimes are not in progress, where no one remains in jeopardy as a result of the activity, and alarm activation where no criminal activity has been otherwise confirmed.
  - 1. When responding to any calls of this nature, all police units shall be operated in accordance with traffic regulations.
  - 2. Emergency equipment shall not be used unless the nature of the incident changes or the equipment is required for visibility at the scene.
- B. Emergency incidents are calls for police service involving in-progress crimes, injury accidents, certain critical alarms, and any other life-threatening situation.

### **41.2.1.2 RESPONSE TO EMERGENCY INCIDENTS**

- A. The Wisconsin Statutes set forth regulations governing emergency vehicle operation. The following subsections set forth key portions of these regulations. Wisconsin Statute [346.03](#) states,
  - 1. The operator of an authorized emergency vehicle, 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 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 subs. (2) to (5m).
  - 2. The operator of an authorized emergency vehicle may:
    - a. Stop, stand or park irrespective of the provisions of this chapter;
    - b. Proceed past red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
    - c. Exceed the speed limit;
    - d. Disregard regulations governing direction of movement or turning in specific directions.
  - 3. The exemption granted the operator of an authorized emergency vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual signal by means of at least one flashing, oscillating or rotating red light except that the visual signal given by a police vehicle may be by means of a blue light and a red light which are flashing, oscillating or rotating; except as otherwise provided in sub (5). The exemption granted by sub. (2) (b), (c) and (d) apply only when the operator of the emergency vehicle is giving both such visual signal and also an audible signal by means of a siren or exhaust whistle, except as otherwise provided in sub. (4) and (5).
  - 4. A law enforcement officer operating a police vehicle shall otherwise comply with the requirements of sub. (3) relative to the giving of audible and visual signals but may exceed the speed limit without giving audible and visual signal under the following circumstances:
    - a. If the officer is obtaining evidence of a speed violation.
    - b. If the officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:
      - I. Knowledge of the officer’s presence may endanger the safety of a victim or other person.
      - II. Knowledge of the officer’s presence may cause the suspected violator to evade apprehension.
      - III. Knowledge of the officer’s presence may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in loss of evidence of a suspected felony.
      - IV. 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.
  - 5. A law enforcement officer operating a police vehicle that is a bicycle is not required to comply with the requirements of [sub. \(3\)](#) relative to the giving of audible and visual signals

6. The exemptions granted the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.
  7. Every law enforcement agency which uses authorized emergency vehicles shall provide written guidelines for its officers and employees regarding exceeding speed limits under the circumstances specified in sub. (4) and when otherwise in pursuit of actual or suspected violators. The guidelines shall consider, among other factors, road conditions, density of population, severity of crime and necessity of pursuit by vehicle. The guidelines are not subject to requirements for rules under ch. 227. Each law enforcement agency shall review its written guidelines by June 30 of each even-numbered year and, if considered appropriate by the law enforcement agency, shall revise those guidelines
- B. Before using emergency lights and siren, the officer should decide whether increased speed and signals are appropriate or desirable. Factors in this decision may include, but should not be limited to, the nature and urgency of the call, the possibility of alerting offenders at the scene, whether other police vehicles can be contacted by radio to intercept an offender, and the potential for conflict with other vehicles responding to the scene.
  - C. Weather and road conditions can pose additional driving hazards, which may at times require an emergency response to be made at even less than the posted limits to ensure safety, even though emergency equipment is in operation.
  - D. Pedestrians and other vehicle traffic along the route of an emergency vehicle must be given due consideration, particularly in dense urban areas where other lighting, frequent intersections, reduced sight distances, a heavy volume of traffic, etc., can affect visibility, hearing, and reaction time. There is no legal protection, even for the operator of an emergency vehicle, for driving that is reckless and/or endangers the safety of others.
  - E. Although non-sworn members of the Department may, for the protection of the public, operate the red or red and blue lights of a police vehicle if it becomes necessary to stop, stand or park contrary to the rules of the road (e.g., to protect persons and vehicles at an accident scene or at the location of a traffic hazard until a police officer's arrival), they are never authorized to operate the vehicle's red or red and blue light and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement or turning or to pass through a stop sign or signal.

#### **41.2.2.1 MOTOR VEHICLE PURSUITS-PURSUING OFFICER(S)**


The following procedures shall specify roles and responsibilities associated with motor vehicle pursuits for the pursuing officer(s):

- A. The decision to initiate and/or continue a pursuit must be based on the pursuing officer's objectively reasonable conclusion that the immediate danger to the public, including potential victims of a violent felony or victims located in the vehicle, created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Officers are authorized to pursue and apprehend, as expeditiously and safely as possible, any person in a vehicle who the officer has reasonable suspicion to believe has committed, is committing, or is about to commit a violent felony.

Officers shall not initiate a pursuit for traffic violations, ordinance violations, or crimes that do not involve the imminent threat or actual use of force. The act of fleeing/eluding alone does not constitute a violent felony.

A vehicle that is "slow to stop" or Failing to Yield Right of Way to an Emergency Vehicle under WI s. 346.19 (1) shall not be considered a pursuit and officers can continue to attempt to stop the vehicle for any offense. However, once the officer becomes aware it is an "eluding/fleeing" pursuit, justification for the pursuit must meet the criteria above, or the pursuit shall be terminated immediately

- B. The pursuing officer shall continuously evaluate the following factors in determining whether to initiate, continue or terminate pursuit:
  1. The severity of the crime;
  2. The performance capabilities of the pursuit vehicle and experience of the pursuit driver;
  3. The condition of the road surface upon which the pursuit is being conducted;
  4. The amount of vehicular and pedestrian traffic in the area;
  5. Weather conditions;
  6. The safety of the public and pursuing officer(s);
  7. Time of day;
  8. Speeds involved;

9. Familiarity with area;
  10. Quality of radio communication between driver and Communication Center;
  11. Density of population;
  12. Necessity of pursuit; and
  13. Whether the vehicle's registration or violator's identification has been established so that later apprehension may be accomplished, and, in the officer's opinion, there is no apparent need for immediate apprehension (per provisions of s.346.175).
- C. The pursuing officer shall immediately notify Communications Center personnel that a pursuit is underway. The officer shall provide communications personnel with the following information. Failure to provide this information to communications personnel may result in an immediate decision by the supervisor or officer in charge assigned to monitor the pursuit to order its termination:
1. Unit identification;
  2. Location, speed and direction of travel of the fleeing vehicle;
  3. Description and license plate number, if known, of the fleeing vehicle;
  4. Number of occupants in the fleeing vehicle, and descriptions, if possible; and
  5. Reasons supporting the decision to pursue;
- D. The primary pursuit unit shall reduce the level of pursuit to that of support or backup unit where another vehicle has been assigned primary pursuit responsibility.
- E. Motorcycles are not intended to be, nor should they be considered, pursuit vehicles. UWPD Police Motorcycles are only authorized to be involved in pursuits of violent felony offenders, where the risk of letting the violator escape outweighs the danger to the operator. Pursuits involving motorcycles shall be subject to the following restrictions:
1. Officers shall terminate and discontinue pursuit when the act of pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers, or the suspect.
  2. Due to the increased vulnerability to the operator of a police motorcycle, any pursuit initiated by the motorcycle operator shall be replaced with a pursuit vehicle as soon as possible.
  3. A motorcycle officer who has turned over the primary pursuit to a pursuit vehicle shall not continue to be involved in the pursuit unless otherwise directed by the officer in charge monitoring the pursuit.
- F. Officers operating motorcycles or unmarked police vehicles shall immediately request assistance of a marked police squad when they are involved in a pursuit and shall relinquish primary unit status immediately upon the presence of a marked squad.
- G. Any primary or backup unit sustaining damage to, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications personnel so that another unit may be assigned to the pursuit.
- H. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit.
- I. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
- J. 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.
- K. Unless expressly authorized by the police supervisor or designated OIC, pursuit shall be limited to the assigned primary vehicle and up to two backup vehicles. 
- L. Any and all pursuits involving Department police officers shall be documented through completion of an incident report, even if the pursuit was terminated prior to apprehension of the pursued subject.

- M. Prior to operating department vehicles in an official law enforcement capacity, sworn officers are required to complete documented initial hire training on the department's pursuit policy.
- N. All sworn personnel shall complete a documented review of the department's pursuit policy on an annual basis.

#### **41.2.2.2 MOTOR VEHICLE PURSUITS-COMMUNICATIONS CENTER**

The following procedures shall specify roles and responsibilities associated with motor vehicle pursuits for the on-duty law enforcement dispatcher:

- A. Upon notification that a pursuit is in progress, communications personnel shall immediately advise the supervisor or officer in charge of essential information regarding the pursuit.
- B. Communications personnel shall carry out the following activities and responsibilities during the pursuit:
  - 1. Receive and record all incoming information on the pursuit of the pursued vehicle;
  - 2. Control all radio communications and clear the radio channels of all nonemergency calls;
  - 3. Obtain criminal records and vehicle checks of the suspects;
  - 4. Coordinate and dispatch backup assistance under the direction of the officer in charge;
  - 5. Notify neighboring jurisdictions, if practical, when pursuit may extend into their locality, or when mutual aid is needed. When only two officers are on duty, mutual aid shall be immediately requested.

#### **41.2.2.3 MOTOR VEHICLE PURSUITS-OIC OR SUPERVISOR**

The following procedures shall specify roles and responsibilities associated with motor vehicle pursuits for the on duty supervisor or officer in charge:

- A. An on-duty police supervisor shall be notified of a pursuit and shall monitor the progress of the pursuit. A police supervisor may order termination of a pursuit for any reason and may coordinate any pursuit actions or tactics. In the event a police supervisor is not available, the designated OIC shall assume responsibility for the monitoring and control of the pursuit as it progresses.
- B. The police supervisor or designated OIC shall continuously review the incoming data and information to evaluate and determine whether the pursuit should be continued or terminated.
- C. In controlling the pursuit incident, the police supervisor or designated OIC shall be responsible for coordination of the pursuit as follows:
  - 1. Direct pursuit vehicles into or out of the pursuit;
  - 2. Re-designate primary, support, or other back-up vehicles' responsibilities;
  - 3. Approve or disapprove and coordinate pursuit tactics;
  - 4. Approve or disapprove requests to leave jurisdiction to continue pursuit.
- D. The police supervisor or designated OIC may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of:
  - 1. The nature of the offense for which 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 backup vehicle or officers;
  - 5. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
  - 6. Any other clear and articulated facts that would warrant the increased hazards caused by numerous pursuit vehicles.
- E. In the event that the police supervisor or designated OIC is the pursuing officer, the next senior officer not involved in the pursuit shall take the responsibility of monitoring the pursuit and carrying out the duties of officer in charge listed in this policy. In the event there are no officers available to assume the role of OIC, the pursuing officer shall terminate the pursuit.
- F. At no time shall the officer with the responsibility of monitoring the pursuit become involved in that pursuit.
- G. The Police Supervisor or designated OIC who monitored the pursuit shall notify their Patrol Lieutenant and to the Professional Standards Lieutenant of the pursuit and the incident report number assigned to it.

- H. In the event a pursuit should result in a death or serious injury, Department Policy 1.5 Officer Involved Death and Other Officer Involved Critical Incidents shall be implemented and followed.

#### **41.2.2.4 PURSUIT TERMINATION**

The following procedures shall specify responsibilities of a pursuing officer associated with pursuit termination:

- A. The pursuing officer(s) shall terminate vehicle pursuits under any of the following conditions:
1. At any time a police supervisor or designated OIC orders termination;
  2. [REDACTED]
  3. When the pursued vehicle's location is unknown;
  4. When the officer's vehicle or emergency equipment malfunctions;
  5. [REDACTED];
  6. When the pursuing officer believes continuing the pursuit presents a greater danger to the public than not apprehending the suspect.
- B. Termination of pursuit shall include the following:
1. Announce over the radio that the pursuit is terminated;
  2. All involved units and OIC shall acknowledge by radio the pursuit is terminated;
  3. Return to posted driving speed limits and traffic directions;
  4. Shut off emergency equipment as soon as safe to do so;
  5. Pull the squad to the side of the road as soon as safe to do so and place it in park;
  6. Discontinuation of all attempts to follow or maintain visual observation of the vehicle; and
  7. Discontinuation of all attempts to stop the vehicle.

#### **41.2.2.5 INTER- AND INTRA-JURISDICTIONAL PURSUITS**

The following procedures shall specify responsibilities of an involved in an inter- or intra-jurisdictional pursuit:

- A. Officers shall only assist or join a pursuit of another agency after receiving a mutual aid request from that agency. Based upon the available information, any police supervisor or the officer assisting the pursuit shall determine whether the UW-Madison Police unit should abandon the pursuit.
- B. Officers may only pursue fleeing persons who meet the criteria of 41.2.2.1 (A) into neighboring counties. Only primary and secondary pursuit units shall leave Dane County. Additional units may be approved with supervisory authority. The crossing of the County boundary shall be immediately reported to Communications. Once outside of Dane County, UW-Madison units shall yield authority as they are replaced by units from the entered jurisdiction. However, if there is an identification issue to be considered and the crime is of a serious nature, the single unit needed for identification may continue the pursuit. The pursuit supervisor shall authorize this continued pursuit if warranted.

#### **41.2.2.6 PURSUIT DATA COLLECTION**

The following procedures shall outline responsibilities for data collection and analysis regarding pursuits:

- A. In pursuits, the approving police supervisor or manager shall forward the case number and a brief synopsis of the incident to the appropriate use of force manager for a timely administrative review. The review should determine if there are any policy, training, weapon/equipment and/or discipline issues which should be addressed.
- B. The Pursuit Data Coordinator shall collect information in regard to all pursuits engaged in by UW-Madison police officers.
- C. Prior to August 15th of each year, the Pursuit Data Coordinator shall compile the pursuit data and submit this information to the Wisconsin State Patrol as specified in Wis. Statute 85.07(b).
- D. The Pursuit Data Coordinator shall conduct an annual analysis of the agency pursuits. The annual analysis shall consist of a review of the department's pursuit policies and reporting procedures. The analysis may reveal patterns or trends that indicate specific training needs and/or policy modifications. The analysis and any recommendations shall be forwarded to the Chief of Police for review.

**41.2.3 ROADBLOCKS AND FORCIBLE STOPPING**

- A. Due to the extreme danger inherent in the use of fixed roadblocks, personnel shall not implement fixed roadblocks to apprehend suspects or stop fleeing vehicles.
- B. [REDACTED]
- C. An officer shall not discharge a firearm from or at a moving vehicle unless the officer reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly force against the officer or another person.
- D. Tire deflation devices or road spikes may be used in proactive situations to prevent an offender from fleeing the scene in a vehicle, and may be an effective tool to assist officers in ending pursuits of suspects fleeing in vehicles. Tire deflation devices must be used in accordance with the manufacturer’s instructions, departmental training, departmental policy, and the directions of supervisory personnel. The following conditions must exist for authorization of deployment:
  - 1. Police personnel shall be trained prior to using road spikes or tire deflation devices.
  - 2. Road spikes shall be placed in all marked vehicles.

[REDACTED]

- 8. After road spikes have been used, the officer shall replace any missing spikes before returning them to the deploying vehicle.
- 9. The officer deploying the road spikes shall complete a supplemental report detailing the use of the road spikes and the results of the deployment. An administrative review shall be completed when road spikes are deployed and result in tire deflation of a subject’s vehicle.

**41.2.4 VEHICLE PROCESSIONS**

- A. A police supervisor or manager must give approval to provide a police escort to a vehicle or procession of vehicles. All police escorts provided shall be conducted in accordance with Wisconsin State Statute [346.215](#). The police supervisor or manager shall consider the following factors when determining whether a police escort should be approved:
  - 1. Rationale/need for the escort (including but not limited to the presence of a reasonable known or potential threat to person(s) to be escorted, keeping a large group together thus improving overall traffic flow/safety, dignitary protection, moving large vehicles through areas congested with pedestrians, special honorary events);
  - 2. Number of vehicles to be escorted;
  - 3. Personnel and resources available;

4. Distance and expected duration of the escort;
  5. Anticipated route;
  6. Potential disruption to overall traffic flow;
  7. Time of day (including traffic and pedestrian conditions); and
  8. Experience of the driver(s) of the vehicle(s) being escorted.
- B. Police vehicle processions shall comply with statutory requirements. The following procedures are applicable:
1. At a minimum, the procession detail shall consist of at least one lead police vehicle and one police vehicle at the rear of the procession.
  2. Depending on the number of vehicles being escorted, it may be necessary to have additional police or traffic control personnel assist with maintaining control of intersections and cross traffic.
  3. Once an intersection or cross traffic has been controlled, either by the lead vehicle or by assisting personnel, the escorting police vehicles and escorted vehicles are not required to stop at yellow or red traffic control signals or stop signs but must obey all other traffic laws.
  4. Ensure functional radio communications with escorting officers, including outside law enforcement agency personnel that are assisting.
  5. Vehicles being escorted should have their headlights illuminated.
  6. Notify communications personnel when the procession has started and when it ends.
  7. A debrief among the escorting officers should be conducted at the conclusion of the vehicle procession.
- C. Sworn Department officers are permitted to participate in processions upon requests from outside law enforcement agencies provided that the requesting agency also has written guidelines for its officers and employees regarding the escorting of vehicles and provided that those guidelines do not directly conflict with Department guidelines.

#### **41.2.5 ORGAN CONVEYANCES & CIVILIAN VEHICLE ESCORTS IN MEDICAL EMERGENCIES**

The following escort services, both routine and emergency, when provided, shall be conducted in accordance with Wisconsin State Statute [346.215](#):

- A. Officers may perform emergency escorts to medical professionals conveying organs from or to the University Hospital, upon request.
- B. Any other emergency escort, to include civilian vehicles in medical emergencies, shall not be given unless authorized by the Officer in Charge (OIC) or designee.
- C. Personnel who encounter medical emergencies are expected to provide reasonable assistance within their capability to preserve life. Personnel shall notify the Communications Center to send emergency medical personnel to the scene of medical emergencies.

#### **41.2.6 ANATOMICAL GIFTS**

The following describes requirements of Wisconsin State Statute [157.06\(12\)](#) regarding the procedure for determining prospective donors of anatomical gifts.

- A. If an officer reasonably believes an individual to be dead or near death, the officer shall make a reasonable search of the individual for a record of gift or a record of refusal or other information identifying the individual as a donor or as an individual who has refused to make an anatomical gift. Most state ID cards or Driver's Licenses provide an area to designate whether or not an individual is a potential organ donor. The officer shall document their efforts in an incident report.
- B. If the officer locates a record of gift or a record of refusal and the individual is taken to a hospital, the officer shall send or deliver the record of gift or record of refusal to the hospital.