

# TITLE 5

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## Traffic

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# Title 5 ▶ Chapter 1

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## Vehicle Stops

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### **Sec. 5-1-1 Vehicle Stops—Traffic Violations.**

#### **PROCEDURES:**

The following procedures are for the purpose of stopping a vehicle for traffic violation citations:

- (a) Approach and position the patrol car close enough to discourage flight. Do not give the violator an indication that a stop is being contemplated until the patrol car is within a short distance from the violator. Emergency lights should not be activated prematurely.
- (b) During the pursuit of the violator, the patrol car's emergency lights shall be activated. When driving behind the violator, enough space shall be left between the violator's vehicle and the pursuit vehicle to compensate for the speed of travel, traffic and road conditions.
- (c) The violator's attention can be obtained by tapping the siren and switching the highbeam headlights on and off. At night, the headlights are flicked from low to high and then back to low through the emergency lighting system.
- (d) If the driver fails to heed horn and headlight signals, the public address system or siren may be used.

#### **COMMENTARY:**

Alertness must be maintained to avoid a collision in the event the violator makes an abrupt stop.

## **Sec. 5-1-2 Stopping Site.**

### **PROCEDURES:**

- (a) If the stop occurs on an open highway with a limited shoulder area, the violator's vehicle and the patrol car shall be parked on the right shoulder, as far out of the path of moving traffic as possible. The Officer shall safely position his/her patrol vehicle.
- (b) If the suspect vehicle is not sufficiently off the roadway or stops in an unsafe location, the Officer may advise the driver to move to the appropriate position using the public address system. An exception is if the driver is suspected of OMVWI; the Officer should move the vehicle, with permission, after the initial stop unless a greater hazard exists.
- (c) If the physical setting permits, the patrol car should be stopped a minimum of ten (10) feet to the rear and two (2) to three (3) feet to the left of the violator's vehicle.
- (d) On narrow streets, roads or bridges, the patrol car should be parked at the curb line/road edge behind the violator's automobile. To avoid traffic dangers, under these special circumstances, the Officer should leave the patrol car using extreme caution.
- (e) Officers should avoid, if possible, stopping the violator directly on the roadway, on hills, at curves and at points narrowed by guardrails.
- (f) The emergency and/or hazard lights shall remain in operation during the entire stop to warn approaching motorists of a hazard in or near their path of travel and to illuminate the subject's vehicle for the protection of the Officer and violator.
- (g) At night, all available light from the patrol car may be directed toward the violator's vehicle to facilitate full inspection. Officers should choose a stopping location which is well lighted, if possible.

### **COMMENTARY:**

This off-set position affords a safety zone or lane to protect the Officer from passing traffic when the Officer leaves the patrol car to confront the driver.

## **Sec. 5-1-3 Preliminary Safeguards.**

### **PROCEDURES:**

Before leaving the patrol vehicle to speak to the violator, the Officers shall attempt to:

- (a)
  - (1) Notify the Communications Center that they are engaged in a traffic stop.
  - (2) Give location.
  - (3) Describe the make of vehicle stopped.
  - (4) Give the vehicle license number.
  - (5) Wait for radio acknowledgment.
- (b) Compare the appearance of the occupants and vehicle to the descriptions given in "attempt to locate" messages.
- (c) Watch the occupants of the stopped car for unusual movement or changes in seating positions.

## **Sec. 5-1-4      Approaching the Vehicle.**

### **COMMENTARY:**

Although stopping a vehicle is usually considered a routine task, each year hundreds of law enforcement officers across the nation are injured or killed performing this police function. Too often the officer who is specializing in traffic enforcement begins to think almost exclusively in terms of traffic violators. Unfortunately, the hazard of a driver who is also a fleeing felon or who is psychotic could be found at the next stop. There are usually few obvious indications that a violator will become hostile or attempt to injure or kill an officer. Because of this, all personnel must regard each and every vehicle stop as a potentially deadly confrontation. Only after the violator has returned to the roadway should an Officer relax his/her defenses.

### **PROCEDURES:**

- (d) At all times during the stop, approach and violator contact, the Officer shall constantly be alert for suspicious or hostile actions by the violator or passengers in the violator's vehicle.
- (e) Procedures shall be in accordance with Wisconsin Training's High Risk Policy, and as follows:
  - (1) Determine the type of approach that will be utilized to make contact with the occupants (driver's side vs. passenger side) or if this is a non-approach contact.
  - (2) Exit the patrol car while keeping the vehicle occupants under observation.
  - (3) Portable radio should be on.
  - (4) Upon approaching the vehicle, check to see if the trunk is secure and scan the passenger compartment and any cargo areas for any potential hazards or contraband.
    - a. Take a position so that a sudden opening of a door cannot strike the Officer.
    - b. Try to minimize the need to reach into the vehicle during the stop.

**COMMENTARY:**

If the Officer sees only one or two occupants who are sitting still and yet detects movement within the vehicle, it is a sign that there might be someone or something else unseen. The Officer should withdraw to the safety of the patrol car and consider calling for a backup unit. The movement felt may be the result of someone lying down in the back seat or, in remote cases, could even be a kidnap victim in the trunk squirming to attract attention. The movement could be harmless, but until that is proven it should be treated as a danger signal.

- (a) The Officer should walk to a point slightly to the rear of the driver's door, looking through the rear window while approaching, observing the vehicle interior. All occupants must be kept in view at all times. Officers should avoid turning their back on the violator or the occupants.

**COMMENTARY:**

The Officer should be aware that taking this position has the disadvantages of possibly limiting the Officer's ability to see the driver's hands at all times due to being blocked by the violator's body. Traffic, which cannot be seen by the Officer, may have a disturbing influence on the Officer's ability to concentrate on the business at hand. If the Officer stands directly in front of the driver's door while talking with the driver through the window, the Officer is in direct line with the door if it is suddenly opened. This could send the Officer off-balance or throw the Officer into oncoming traffic.

If the Officer stands forward of the violator's vehicle so that the Officer may look into the interior of the vehicle and also face to the rear and observe approaching traffic, the Officer is essentially cut off from his/her patrol car by the opening of the driver's door. If the driver does open his/her door and holds it in an open position, the Officer must either go out into the traffic lane or completely around the violator's vehicle to reach the patrol car and its radio.

- (a) When two (2) Officers are assigned to a patrol car, the driving Officer may make the contact with the violator. The passenger Officer may assume an observation position at the right rear of the stopped vehicle and may operate the portable radio.
- (b) The patrol car's right front door should be unlocked while the Officer is away from the car.

**COMMENTARY:**

Swift access to the interior of the patrol vehicle from the right may be necessary at any time. In dangerous situations, it is possible that the only realistic access to the patrol car can be obtained by entering the car through the curb-side door. If the Officer was under attack and the door was locked, the Officer would be in grave danger.

- (a) In regard to use of weapons, as stated in the policies and procedures on "Use of Force," an Officer is warranted in drawing his/her firearm and maintaining it in a ready position if he/she reasonably believes circumstances indicate a substantial risk of death or great bodily harm to his/her person or another.

## **Sec. 5-1-5 Officer-Violator Contact.**

### **POLICY:**

In all cases, the safety of Officers is the primary consideration.

### **PROCEDURES:**

The following procedures will apply in most instances regarding Officer/violator contacts, except where the violator will be taken into physical custody:

- (a) The Officer should decide what he/she plans to do or say before approaching the vehicle. The Officer shall identify himself/herself to the occupants, give the reason for the stop and request identification from the driver or occupants as needed.
- (b) If the violator or passengers exit their vehicle, they should be requested to return to and remain in the vehicle. Absent unusual circumstances, violators shall not be permitted in the patrol car.
- (c) After approaching the violator's vehicle, the Officer may request the violator's driver's license.
- (d) The Officer should inform the violator of the reason for the stop.
- (e) The Officer should compare information on the driver's license and establish identity, determine if the operator's license is valid, check if the operator is not wanted and determine that the vehicle is not stolen. The Officer shall utilize professional communication skills, and verify that address information is current by asking for the current address.
- (f) The Officer should return to the patrol vehicle, periodically looking back at the suspect vehicle, and write the citation as rapidly as possible, explaining it fully to the violator upon return; the Officer also has the option of having the citation mailed to the violator. The Officer shall complete driver's license and registration checks through the Communications Center or through patrol vehicle computers. If the suspect in the vehicle is wanted for a misdemeanor, the Officer should use his/her judgment as to whether or not he/she can

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effect the arrest prior to assistance arriving. If not, the Officer should request the driver's license and advise the violator that the he/she will be back with the violator in a few minutes; the Officer should return to his/her patrol car until help arrives.

- (g) The Officer shall not accept anything the violator offers, except the documents requested by the Officer. The Officer shall require the violator to reach out of the window for his/her license, citation, etc. The Officer shall not reach inside the vehicle.
- (h) Despite any negative remarks made by the violator, the Officer shall not argue with the violator or speak to the violator in a derogatory manner.
- (i) The Officer should not detain the violator any longer than is necessary to accomplish the purpose.
- (j) After ending the contact, the Officer should return to the patrol car and shut off spotlights and takedown lights to allow the driver to safely merge back onto the roadway.
- (k) In all contact with violators, the Officer shall be polite and professional and not act in a way to give offense.

**COMMENTARY:**

Officers should remember that any contact, even the issuance of a citation, is an opportunity for Departmental public relations. Traffic offenders should be treated courteously and professionally, demonstrating that the true spirit of law enforcement is assistance and correction, not mere punishment. Each violator should be greeted appropriately (Good Morning, etc.), advised of the specific violation and asked to produce a driver's license. If a citation is to be issued, verbal chastisement of any sort is not appropriate. When a violator is released, the Officer should assist, when necessary, in getting him/her back into the flow of traffic.

**Sec. 5-1-6 Vehicle Stops—Suspected High Risks.**

**POLICY:**

Before making a high risk stop, the Officer or Officers involved must have knowledge of or reasonable cause to believe that their personal safety may be jeopardized by approaching the vehicle. The high risk stop should be made in a manner conforming to standard procedures and must not be done in a hurried manner. Each move by the Officer(s) must be planned thoroughly prior to execution.

**PROCEDURES:**

- (a) Upon initial observation of the suspect vehicle, the Officer shall notify the Communications Center, giving the description, direction of travel and location of the vehicle and number of visible occupants, requesting that all units in the area be advised and that a backup unit be dispatched. In every instance, a backup unit shall be requested whenever a high risk stop is anticipated. This backup unit shall coordinate its activity with the primary unit.
- (b) The pursuit unit should attempt to follow the suspect unit until a backup unit is in the immediate area or the Officer has been advised that none is available. One Officer should not make a higher risk stop [three (3) are recommended; two (2) minimum] unless the following is considered:
  - (1) Immediate intervention is necessary to prevent imminent death or great bodily harm.
  - (2) Adequate resources/equipment is available to safely handle the situation.
- (c) The Officer(s) should try to choose the location to make the stop so that it will be to the Officer's advantage.

**COMMENTARY:**

Areas crowded with pedestrians, such as intersections, or any other location which would cause added difficulties should be avoided.

- (a) The Officer may, depending on the situation, move in close to the suspect vehicle and activate the emergency lights and siren of the patrol car, indicating that the suspect vehicle should pull to the curb.

**COMMENTARY:**

Under no circumstances shall the Officer pull his/her patrol car alongside the suspect vehicle.

- (a) It is recommended that the Officer position the patrol car directly behind the suspect vehicle or position the patrol car at a thirty degree (30°) angle to the left rear of the suspect vehicle, except under certain circumstances when involved in a moving roadblock or where conditions would present safety hazards to do so.
- (b) The driver of the contact patrol car should clarify assignments and responsibilities before the stop. The cover Officer provides cover.
- (c) Whether day or night, all available lights from the police vehicles shall be directed at the suspect vehicle (headlights on high beam). If the car is equipped with a spotlight, it should

be directed at the interior rear-view mirror of the suspect's car in such a manner that it will reflect and assist in illuminating the interior.

- (d) Upon stopping, the Officer shall draw his/her weapon and leave the patrol car as quickly as possible, using the door of the vehicle as cover. The stopped vehicle and suspect shall be kept under close observation at all times. The Officer shall not leave the cover position at the patrol vehicle unless it becomes absolutely necessary.
- (e) If any additional patrol cars arrive, Officers shall direct them to remain behind the initial two patrol cars. The newly arrived patrol cars shall turn off headlights to avoid back lighting.
- (f) If additional Officers are available, they may be utilized to keep oncoming traffic out of the stop location. Additional units shall be kept out of crossfire positions.
- (g) The Officer shall, using the public address system, command, in loud and clear tones, all persons in the suspect vehicle will be given verbal commands following Wisconsin Training Guidelines for making a high risk stop. It is recommended that the Officer do the following:
  - (1) Have occupants interlace their fingers behind their heads.
  - (2) Have the driver turn off vehicle, remove the keys and place them on the roof of the vehicle.
  - (3) Have the driver exit vehicle slowly, facing away, arms in the air. Then walk backwards to just behind the suspect vehicle.
  - (4) Have the subject turn one full circle without stopping. If a weapon is suspected, advise the subject and give consequences. Do not have them remove the weapon.
  - (5) Walk backwards until the suspect has reached a position designated near the front bumper of the patrol car, then order them into the handcuff position agreed upon.
  - (6) The cover Officer then moves up taking the suspect into custody, handcuffing and searching the suspect around the area of the hands.
  - (7) The Officer shall move the subject to the rear of one of the patrol cars, do a complete search and double lock the handcuffs. The subject is then secured in a patrol car. Repeat as necessary with other occupants.
  - (8) When all visible occupants are out, Officers shall order any remaining "unseen" occupants to sit up. Officers shall do this twice.
  - (9) Determine a clearing plan and ensure the vehicle has no remaining occupants.
  - (10) Notify other Officers that the vehicle is clear.

**COMMENTARY:**

- (a) The phrase "Hands Up" should always be avoided, as weapons and contraband can be hidden in hats and behind the car's sun visors.
- (b) Under most circumstances, it is recommended that a single Officer should not attempt to remove high risk suspects from their vehicle until a backup unit is on the scene. Unless unique circumstances exist, high risk suspects should not be removed from their vehicles until there are sufficient Officers at the scene to safely remove and take the suspects into custody.

**Sec. 5-1-7 Speeding Stops.****POLICY:**

Speeding stops are by far the most common stops made by traffic officers and, for this reason, tend to become routine. For this reason, the Officer must be alert to tendencies toward a relaxed physical and mental attitude during this stop. The Officer should carefully note all facts pertinent to the violation (road and weather conditions, traffic volume, etc.), as well as driver actions and conversation after the vehicle has been stopped. Information should be in writing so as to be available for court testimony at a later date.

**PROCEDURES:**

- (a) **Radar Stops.** In making a stop from a radar clocking, an Officer should follow guidelines set up under general speeding stops. Additionally, the Officer's notes of the stop should include the time and location where the radar unit was set up, evidence that the unit tested satisfactorily both before and after the stop and where the violator was stopped and citation issued.

**NOTE:** See Section 5-4-1 on radar use.

- (b) **Speedometer Clocking.** To obtain an accurate speedometer clocking on a suspect vehicle, the Officer should first position his/her patrol car behind the vehicle at a distance which is safe, yet close enough to accurately measure its speed [usually about fifty (50) feet back or further, depending on speed]. The Officer should then adjust the speed of the patrol car to match that of the suspect vehicle and maintain this speed for a reasonable distance, thereby determining the speed of the suspect vehicle. The reasonable distance of clocking is usually interpreted by courts to be approximately two (2) city blocks or more. Once the clocking is finished, the Officer should activate the emergency equipment and stop the

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violation. Pertinent information to be included in the Officer's notes includes those outlined in general speeding stops, and location where the violator was first observed, location and length of clocking, where the emergency equipment was activated, and where the violator was subsequently stopped.

## Title 5 ► Chapter 2

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# Emergency Vehicle Operation

- 5-2-1**            Operation of Emergency Vehicles
- 5-2-2**            Authorized Emergency Vehicle Situations
- 5-2-3**            Use of Warning Devices and Safety Devices
- 5-2-4**            Use of an Emergency Vehicle

### **Sec. 5-2-1      Operation of Emergency Vehicles.**

#### **STATEMENT OF PURPOSE:**

- (a) Although the operation of emergency vehicles by officers of the City of Stanley Police Department is inherent to the law enforcement function, the following policy is established to ensure the safety of all concerned and to ensure the most appropriate response by employees of this Department.
- (b) All vehicles will be operated with the highest regard for the safety of all persons and in conformity with all traffic laws except under the circumstances described in this policy.
- (c) Drivers of emergency vehicles will be held to a standard of due care under the circumstances.
- (d) In any situations where the driver doubts the need to operate a vehicle in violation of the traffic laws, the risks involved shall be weighed and resolved in favor of safety.

#### **POLICY:**

During the operation of emergency vehicles, the following points shall be considered by Officers of the City of Stanley Police Department:

- (a) An Officer shall, in all cases, drive with due regard to the safety of all persons and shall carefully weigh the risks inherent in disregarding the traffic laws against the nature of the end promoted by such violation. In case of doubt, the Officer shall opt for safety.
- (b) (1) Unmarked vehicles are subject to the same restrictions as marked vehicles with the additional requirement that they display a rotating/flashing light when required to disregard traffic regulations, except when clocking speeders.

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- (2) Officers driving unmarked vehicles must exercise special care since their vehicles tend to be less visible.
- (c) Intersections present a special hazard to emergency vehicles. Officers will slow when approaching an intersection and be able to stop should the need arise.
- (d) In many situations, a number of emergency vehicles may be responding to the scene at the same time. All Officers shall be especially alert in these situations to ensure safe arrival at the scene.
- (e) An Officer may violate traffic laws if:
  - (1) A felony is in progress or has just occurred.
  - (2) A misdemeanor is in progress and the violator is armed or is threatening serious bodily harm.
  - (3) An immediate and substantial danger to the safety of a person exists.
  - (4) The Officer is pursuing a fleeing vehicle which has been signalled to stop.
  - (5) The Officer is gathering evidence of a speeding violation (this justifies only violations of mile per hour limits).
  - (6) The Officer is trying to notify a driver who has broken a traffic law that he must stop.

**Sec. 5-2-2 Authorized Emergency Vehicle Situations.**

**POLICY:**

Emergency vehicles may be operated in the following situations:

- (a) In response to calls of an emergency nature.
- (b) In pursuit of an actual or suspected violator of the law.
- (c) While obtaining evidence of a speeding violation [See Section 5-2-3(c)].

**Sec. 5-2-3 Use of Warning Devices and Safety Devices.**

**PROCEDURES:**

- (a) Warning lights (red or red/blue) shall be activated whenever an Officer, in the course of duty, stops, stands or parks an assigned vehicle contrary to the rules of the road.

- (b) Sirens shall be used whenever an Officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning or exceeds the speed limit.
- (c) Officers may exceed the speed limit without using the warning lights and siren when obtaining evidence of a speeding violation but shall activate this equipment and attempt to stop the violator once sufficient evidence is obtained for the violation.
- (d) Unmarked vehicles are subject to the same restrictions as marked vehicles.
- (e) In addition to the operation of emergency warning devices as indicated above, Officers will insure that safety belts/harnesses are utilized by all persons riding in the front seat of a police vehicle whenever the vehicle is in operation.

## **Sec. 5-2-4 Use of an Emergency Vehicle.**

### **POLICY:**

- (a) The policy of the City of Stanley Police Department is to use emergency (red/red-blue) lights and siren when responding to an emergency call for service. Various State Statutes provide that, before an emergency vehicle is entitled to its special status under the law, it must display a flashing red/red-blue light or sound a siren; and some laws require both. Unless the vehicle displays the flashing lights or siren, the law does not permit such a vehicle to disregard regulations governing movement or turning, proceed past a red light or stop sign without stopping, exceed the maximum speed limit, and disregard parking or standing requirements. Also, other drivers are not required to yield the right-of-way to an emergency vehicle unless it displays the flashing lights and siren.
- (b) It is essential that all law enforcement officers fully understand the law governing the use of an emergency vehicle. The purpose of this policy is to establish and provide guidelines for the use of emergency lights and sirens on emergency vehicles.
- (c) The general objectives of this policy are:
  - (1) To maximize the safety of the responding Officer and the public.
  - (2) To understand all privileges granted to an emergency vehicle under the law and how to exercise them.
  - (3) To understand how to use the emergency lights and siren to their maximum effectiveness.

**DEFINITIONS:**

The following definitions shall be applicable in this policy:

- (a) **Authorized Emergency Vehicle.** Under Chapter 340.01, Wis. Stats., the following statutory definitions apply to our Department:
  - (1) Sec. 340.01(3a), Wis. Stats., Police vehicles, whether publicly or privately owned.
  - (2) Sec. 340.01(3g), Wis. Stats., Such ambulances, publicly owned, as are designated or authorized by local authorities to be authorized emergency vehicles.
  - (3) Sec. 340.01(3c), Wis. Stats., fire department vehicles.
  
- (b) **Emergency.** Any occurrence that requires immediate attention.
  - (1) Corpus Juris Secundum, 29 C.J.S. 760.
  - (2) Wisconsin Public Service Commission. PSC Decision DR-63, 4/29/74.
  
- (c) **Emergency Lights.** Per Sec. 347.25(1m)(b), Wis. Stats., on a marked police vehicle, the blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver's side of the vehicle. When in use on an unmarked police vehicle, the blue light shall be displayed on the passenger side of the vehicle and the red light shall be displayed on the driver's side of the vehicle. The lights shall be designed and displayed so as to be plainly visible and understandable from a distance of five hundred (500) feet during the normal sunlight and during hours of darkness.
  
- (d) **Emergency Vehicle Privileges.** Authority is granted to emergency vehicles in Chapter 346.03(1), Wis. Stats. This Section states that emergency vehicles may exercise privileges granted to them under the following circumstances:
  - (1) When responding to an emergency call.
  - (2) When in pursuit of an actual or suspected violator of the law.
  - (3) When responding to, but not upon returning from, a fire alarm.

**PROCEDURES:**

- (a) **Privileges.** The privileges set forth for emergency vehicles are found in Sec. 346.03(2), Wis. Stats. The operator of an emergency vehicle may:
  - (1) Stop, stand or park, irrespective of provisions found in Chapter 346, Wis. Stats. Sec. 346.03(3) states: in order for the operator to exercise this privilege he must give a visual signal by means of at least one flashing, oscillating or rotating red light or by means of a blue light and a red light which are flashing oscillating or rotating.

- (2) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (3) Exceed the speed limit.
- (4) Disregard regulations governing direction of movement or turning in specified directions.

[**NOTE:** Sec. 346.03(3) states: in order for the operator to exercise the privileges set forth in Subsections (1) through (4) above, he must give both visual signal and an audible signal by means of a siren.]

### **COMMENTARY:**

These are the only privileges given to an emergency vehicle. Unless stated, the Officer must obey all the other provisions of Chapter 346, Wis. Stats. "The exemptions are strictly applied, and unless specific exception is found in statute, none exists. The Officer is held subject to the rule prohibiting overtaking and passing another vehicle at an intersection, even when in pursuit of a law violator, when it was not specifically exempt."

*White v. Doe*, 207 Va. 267, 148 S.E.2d 797, 799 (1966).

- (a) **Exceptions—Due Regard.** Sec. 346.03(4) (intro), Wis. Stats., states: 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 signals under the following circumstances:
  - (1) Sec. 346.03(4)(a) states: if the officer is obtaining evidence of a speed violation.
  - (2) Sec. 346.03(4)(b) states: 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:
    - 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.

### **COMMENTARY:**

Sec. 346.03(4) (intro), Wis. Stats., is very clear; exceeding the speed limit is the only privilege given without giving audible and visual signals under the listed circumstances.

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- (a) It is the policy of this Department that its Officers utilize emergency lights and siren when responding to any of the "exception-circumstances" set forth in Sec. 346.03(4)(b). However, in such exception-circumstances, officers are authorized to discontinue the use of emergency lights and siren when necessary to conceal their arrival in the area of an incident.
- (b) **Due Regard.** Sec. 346.03(5) states: 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.

**COMMENTARY:**

"The intent of the statute is protection of life and property, and is served by extending a privilege with one hand, and tempering it with another. Presumably it is in the best interests of society that emergency vehicles be granted extraordinary right-of-way privileges, but our own legislature saw fit to insert a provision that extraordinary care be taken by the drivers of such vehicles that life and property would not be endangered by the very privileges granted for their protection."

*Clark v. Sterrett*, 220 N.W.2d 779, 781 (Ind. App. 1966).

- (a) **Considerations.** In all cases when an Officer decides to exercise any of the exceptions set forth in Sec. 356.03, the officer shall consider the following factors and shall drive accordingly:
  - (1) **Severity of Reported Crime.** The Officer must reasonably believe that the reported crime is a felony and also reasonably believe any of the four (4) circumstances set forth in Sec. 346.03(4)(b) exists. In the case of obtaining evidence of speed violations, the Officer shall take into consideration the seriousness of the perceived violation.
  - (2) **Road Conditions.** Such as: the presence of rain, slush, snow, ice, fog or any combination thereof.
  - (3) **Time of Day.** Concerned with such things as: light conditions, visibility, level of citizens' presence and activity.
  - (4) **Density of Population.** Concerned with areas such as residential areas, school zones, business areas, main-traveled roadways, side streets.

**COMMENTARY:**

The decision, responsibility and method of response rests with the individual Officer. In deciding the Officer must exercise sound judgment and carefully consider the facts, seriousness of the offense, possible consequences and safety of the citizens whose protection is his/her responsibility.

- (a) **Public Duties.** The following are regulations that define the duties of the public when approached by an emergency vehicle:

- (1) Sec. 346.04(3), Obedience to traffic officers.

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 he increase the speed of his vehicle or extinguish the lights of his vehicle in an attempt to elude or flee.

**COMMENTARY:**

Intent to elude an unmarked police car is difficult to prove since many authorized nonpolice emergency vehicles resemble such cars. (65 Atty. Gen. 27.)

- (a) **Emergency Vehicle Approach.**

- (1) ***Sec. 346.19, What to do on approach of emergency vehicle.***

Upon the approach of an authorized emergency vehicle giving audible signal by siren, the operator of a vehicle shall yield the right-of-right and shall immediately drive such vehicle to a position as near as possible and parallel to the right curb or right-hand edge of the shoulder of the roadway, clear of any intersection and unless otherwise directed by a traffic officer, shall stop and remain standing in such a position until the authorized emergency vehicle has passed.

- (2) ***Sec. 346.90, Following an emergency vehicle.***

The operator of any vehicle other than one on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500 feet or drive or park his or her vehicle within the block where, or within 300 feet of the driveway entrance or similar point of access to a driveway or road on which fire apparatus has stopped in response to an alarm.

- (b) **Use of Siren Modes for Maximum Effectiveness.** Siren modes such as wail, yelp and high-low should be used to suit existing traffic conditions:

- (1) ***Wail Mode.*** The wail mode should be used for the majority of emergency driving, with others reserved for special circumstances due to traffic.

- (2) **Yelp Mode.** The yelp mode should be used when intersections, congestion, or sluggish traffic is noticed ahead. This mode changes pitch more frequently than the other modes making it easier to attract the attention of even the most inattentive driver.
- (3) **High-Low Mode.** Since the high-low mode only hits two frequencies, it does not produce as much change as the other two modes. It is likely to go unnoticed. Still, if an inattentive driver does not respond to the other modes, he/she may respond to this one.

**COMMENTARY:**

An Officer should not assume that other drivers hear the siren. At higher speeds the emergency vehicle may "outrun" the siren's effectiveness. Other factors may also minimize the effectiveness of the siren; noise in the driver's compartment of other vehicles, radios, conversation and hearing disabilities, whether or not the windows are open or closed on other vehicles in traffic.

(a) **Use of Emergency Lights for Maximum Effectiveness.**

- (1) **Marked Patrol Units.** All of the Department's marked patrol units are equipped with at least two (2) red-blue oscillating or rotating red-blue lights. For maximum effectiveness, all the bulbs in the lights should be operational and the lenses should be kept as clean as practicable due to weather conditions.
- (2) **Unmarked Units.**
  - a. The unmarked vehicle is less observable as an emergency vehicle than is the marked unit. Thus, it is all the more important that the red or red-blue lights be used to their maximum effectiveness for safe operation.
  - b. The front dash, oscillating or rotating red light should be clear from any movable obstructions which, when placed on the dashboard, obstruct the light's visibility when in operation.
  - c. If the unmarked unit is equipped with a "pop-up" rear-seat light, rear-deck light and/or grill lights, they should be used with the dash light when the unit is being operated as an emergency vehicle.
- (3) **Other Lights.**
  - a. Head lamps may be used during hours of daylight to augment the emergency lights for additional visibility.
  - b. The Officer may wish to use the four-way flashers on the unit as an additional warning device. The four-way flashers may augment the emergency lights but cannot replace them to fulfill the requirements of statutory law. Also, the four-way flashers may not interfere with required signals for turns as specified in Chapter 346, Wis. Stats.

- (b) **Summary.** The use of an emergency vehicle is a privilege which is granted by statute. The Officer must comply with the law to become eligible for the privileges and exemptions granted to an emergency vehicle. Due regard for the safety of others and for the safety of other's property must be practiced when operating an emergency vehicle.



## Title 5 ► Chapter 3

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# High Speed Pursuit

<b>5-3-1</b>	High Speed Pursuit
<b>5-3-2</b>	Officer Liability
<b>5-3-3</b>	Authorized Pursuit; High Speed Pursuit
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<b>5-3-7</b>	Involvement in the Pursuit of Another Jurisdiction

### **Sec. 5-3-1 High Speed Pursuit.**

#### **POLICY:**

- (a) It is the policy of the City of Stanley Police Department that all Officers are cautioned of their duty to drive with due regard for the safety of all persons and property upon the roadway. This duty applies even though nonemergency vehicles are required to yield the right-of-way to emergency and public safety vehicles. Officers are also obligated by statute to slow down as necessary for safety and other traffic and upon approaching a red or stop signal or a stop sign. Officers may proceed cautiously past such red or stop sign or signal, after exercising due regard for the safety of all persons using the street or roadway. Under no circumstances may an Officer in pursuit pass on a hill or curve.
- (b) 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 Department to assist Officers in the safe performance of their duties. To fulfill these obligations, it will be the policy of this Department to regulate the manner in which vehicular pursuits are undertaken and performed.
- (c) The Department recognizes that decisions to initiate and continue the pursuit of vehicles and suspects who are attempting to elude the police in a vehicle must, as a matter of public policy, reflect a balance of the public interests inherent in both the apprehension of

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violators of the law and in insuring the safety of all persons who might potentially be endangered by the pursuit. The propriety of any pursuit depends on the specifics of each particular situation, and Officers must be prepared to articulate the conditions which existed at the time of their decision. Consideration must be given not only to the nature and gravity of the offense(s) involved, but also to the degree of danger to the safety of members of the community which may inadvertently arise as a result of a pursuit. *The policies reflected in the guidelines which follow are based on the belief that responsible policing may, of necessity, require that the apprehension of a suspect be postponed, even in potentially serious situations.* This is particularly true when, at the time of a decision to pursue or to discontinue pursuit, a situation of unreasonable danger to Officers and other persons in our community exists which outweighs the competing public interests involved in the apprehension of the violator.

- (d) The Department will comply with the biennial four (4) hour pursuit training requirement in compliance with Law Enforcement Standards Board standards prescribed by Sec. 165.85(4)(cm)(2)(a), Wis. Stats.
- (e) This policy chapter is promulgated pursuant to the requirements of Sec. 346.03(6), Wis. Stats.

**DEFINITIONS:**

The following definitions shall be applicable in this policy:

- (a) **Assisting Unit(s).** Police units that assist the primary unit in the pursuit, either by direct or indirect involvement.
- (b) **Authorized Emergency Vehicle.** A Department vehicle equipped with operable emergency equipment as designated by state law, typically a marked police vehicle equipped with one (1) or more oscillating, rotating or flashing emergency lights and also with emergency sirens.
- (c) **Due Regard.** Phrase implying that a reasonably careful person, performing under similar duties and under similar circumstances, would act in the same manner.
- (d) **High Speed Motor Vehicle Pursuit.** High speed motor vehicle pursuit is an active attempt by a law enforcement officer operating a motor vehicle and utilizing, simultaneously, all emergency equipment to apprehend one (1) or more occupants of another moving vehicle, when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing his/her speed, ignoring the Officer or

attempting to elude the Officer while driving at high speeds in excess of the legal speed limit and/or disregarding other traffic control signals or devices.

- (e) **Officer-in-Charge or Supervisor.** The officer acting in the capacity of the on-duty officer-in-charge. When there is only one (1) Officer on duty, that Officer shall be the officer-in-charge for purposes of this Section.
- (f) **Primary Officer/Unit.** The police unit that initiates the pursuit, or a police unit that may assume control of the pursuit.
- (g) **Pursuit.** Pursuit is an active attempt by a law enforcement officer, on duty, in a squad car, using audio and visual emergency equipment, to apprehend one or more occupants of a moving vehicle, provided 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 attempts to stop him/her.
- (h) **Roadblocks.** The use of vehicles or other obstructions to block the roadway. For purposes of this policy chapter, roadblocks are meant to stop a fleeing vehicle by giving the driver of the fleeing vehicle the opportunity to stop. [Note: See specific policies and procedures regarding roadblocks in Title 5, Chapter 3.]
- (i) **Tire Deflation Device.** A device used by law enforcement officers to cause tire deflation due to punctures to the pursued vehicle to the extent that further flight is prevented. [Note: See specific policies and procedures regarding use of road spike systems in Sec. 5-5-5.]
- (j) **Traffic Restriction Techniques.** These are tactical tools used to divert the flow of traffic in order to cause a traffic stop, and should include only partial road closure or use of tire deflation devices for partial lane restriction or channelization techniques. [Note: See specific policies and procedures regarding use of road spike systems in Sec. 5-5-5.]

#### **COMMENTARY:**

Officers have a duty by law and by policy to pursue and apprehend violators who attempt to escape punishment by fleeing at high speeds. However, as noted in Sec. 346.03, Wis. Stats., the exemptions granted to the operator of an emergency vehicle do not relieve the operator from duty to drive with due regard under the circumstances for the safety of all persons, nor do they protect such operators from the consequences of his/her reckless disregard for the safety of others. Pursuit must be considered as a very serious matter. When a law enforcement officer initiates pursuit of a fleeing vehicle, he/she may have a tendency to consider only himself/herself and the occupants of the fleeing vehicle; this is not adequate, for it must be remembered that other citizens may become involved. For example, citizens using public highways do not expect their

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travel to be interrupted by a high speed chase and may become involved in an accident due to over-reaction. Also, children playing on the side of a street are likely to be drawn *toward* a police car with a siren and red light in operation. High speed pursuit is one of the most dangerous tasks police officers are asked to perform. Death or permanent injury to law enforcement officers or citizens can result without warning. The seriousness of the possible outcome of a high speed pursuit requires a law enforcement officer to weigh many factors when deciding whether or not to chase, to be resolved in favor of the safety of the citizens he/she is serving. It is not possible to satisfactorily exercise discretion without first considering the following questions:

- (a) Does the seriousness of the crime warrant a chase at unsafe speeds?
- (b) What is the possibility of apprehension?
- (c) Will the pursuit take place on residential streets, a business district or a freeway?
- (d) What are the traffic conditions?
- (e) What are the weather conditions?
- (f) What condition is the squad car in?
- (g) Is the pursuing Officer alone or does he/she have the assistance of another Officer?
- (h) How familiar is the Officer with the area of pursuit?

**Sec. 5-3-2 Officer Liability.**

**POLICY:**

- (a) In the instant that a pursuit decision is made, the safety of all concerned must be considered. It is important that an Officer weigh the seriousness of the event which has been committed against the hazards present to the health and welfare of citizens who might be affected by the chase. When a high speed pursuit is initiated, a continuous balancing of the seriousness versus public safety is mandatory. *The Department expects an Officer to terminate his/her involvement in the high speed pursuit whenever the risk to his/her own safety and/or the safety of others outweighs the danger to the community, if the suspect were not to be apprehended.* This appears to be the criteria which is most important in determining the "emergency" status of a pursuit.

- (b) An Officer who becomes involved in a traffic accident while attempting to overtake fleeing suspects may be civilly sued for all damages to person and property resulting from the Officer's negligence.
- (c) Pursuit should not be undertaken by any unit which contains prisoners, suspects, complainants, witnesses or other passengers who are not sworn law enforcement officers.
- (d) The responsibility for the decision to pursue, the method to be employed and the continuation of pursuit rests with the primary law enforcement officer involved until a supervisor provides direction or otherwise assumes responsibility for the situation.

### **Sec. 5-3-3      Authorized Pursuit; High Speed Pursuit.**

#### **POLICY:**

The pursuit of vehicles and suspects eluding vehicles is authorized in accordance with the following guidelines:

- (a) **Initiation of Pursuit.** Any law enforcement Officer in an authorized vehicle may initiate a pursuit when the subject is attempting to avoid apprehension and any of the following situations are present:
  - (1) The subject has committed or is attempting to commit a crime which involves an actual or threatened action which a law enforcement Officer reasonably believes resulted in or could result in death or great bodily harm to a person or persons;
  - (2) The subject, if allowed to escape, is likely to cause injury or death, or great bodily harm, to a person or persons.
  - (3) When an Officer observes the operation of a motor vehicle, prior to initiation of a pursuit, and determines that the continued operation of this vehicle would cause great bodily harm and/or immediate risk to the public. This standard would allow for high speed pursuits in traffic violation situations only if the driver's reckless conduct could result in death, great bodily harm and/or immediate serious risk to the public.
- (b) **Evaluation Criteria to Continue a Pursuit.**
  - (1) Officers may pursue a fleeing subject if the reason for the pursuit falls within the guidelines established in Subsection (a) above. The Officer's actions in initiating and/or continuing such a pursuit should not create a greater risk to the public than that posed by failing to apprehend the suspect. In determining whether or not to continue a pursuit that has been justifiably initiated, the Officer(s) should consider the following factors:

- a. Whether continuation of the pursuit would likely create a danger to the public, Officer(s), or subject(s) which is apparently greater than the value of apprehending the subject(s), due to such factors as, but not limited to, the following:
    1. Road conditions.
    2. Weather conditions.
    3. Density of population, including presence of pedestrian or vehicular traffic.
    4. Time of day.
    5. Severity of crime.
    6. Necessity of pursuit vehicle.
    7. The availability of other methods of apprehension.
    8. The apparent age and ability of the pursued driver.
    9. The apparent age and number of known passengers in the pursued vehicle.
    10. The manner in which the pursued driver is operating his/her vehicle.
    11. The nature and apparent condition of the vehicles involved in the pursuit.
    12. The limit of the Officer's ability to operate his/her vehicle within his/her individual capabilities.
  - b. 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 continuing need for immediate apprehension (per provisions of Sec. 346.175, Wis. Stats.).
- (2) Law enforcement Officers will follow all Wisconsin traffic statutes under Ch. 236, Wis. Stats., Rules of the Road, while operating a police vehicle, and will further operate the police vehicle in a safe and responsible manner. Officer(s) operating an authorized emergency vehicle may perform actions contradictory to this policy chapter, but only as provided for under Sec. 346.03, Wis. Stats. Officers shall also follow other federal state and local statutes and ordinances, and Department policies governing safe operation of motor vehicles, and will always operate their authorized emergency vehicle(s) under the due regard elements of the Wisconsin Statutes.
- (c) **Notification of Chief of Police.** Officers shall inform the Chief of Police of all high speed pursuits, even when circumstances allow only for a post-incident notification.

**PROCEDURES:**

- (a) **Close Proximity to Violator.** Officers intending to make stops shall endeavor to be in close proximity to the violator's vehicle before activating emergency equipment, thus eliminating the violator's temptation to attempt evasion.
- (b) **Vehicles to be Equipped as Emergency Vehicle.**
  - (1) **Emergency Warning Equipment Required.** Only vehicles equipped with audio and visual emergency equipment (i.e., siren and emergency lights visible) shall enter into

- a high speed pursuit. The Officer should be certain that the patrol car's siren, red/blue rotating or flashing emergency lights and headlamps are in operation.
- (2) **Unauthorized Maneuvers.** Officers shall attempt no "special maneuvers" that the Officer has not been trained in or the Department has not authorized.
- (c) **Nonemergency Vehicles.** Officers operating vehicles not equipped as specified [under Subsection (b) above] are to attempt to maintain visual contact with the fleeing vehicle without excessive speed and radio all relevant information to the dispatcher and request immediate assistance. Standard flashers will be utilized.
- (d) **Officer to Drive According to Abilities.** All members of the Department will use good judgment in participating in a high speed chase and are cautioned not to operate their motor vehicle beyond their ability to safely operate it at a high speed. If an Officer drives beyond his/her ability in any high speed chase and the Department vehicle is involved in an accident, the Officer may be subject to disciplinary procedures.
- (e) **Communications.**
- (1) **Initial Report.** Once the decision to initiate the pursuit has been made, it is essential, when safe to do so, that the Officer promptly inform the Communications Center of the following:
- a. Unit and Officer identification.
  - b. That the Officer is in pursuit.
  - c. Location and direction of pursuit.
  - d. Description of vehicle being pursued, license number, number of occupants and, if possible, description of occupants.
  - e. Reason for pursuit (i.e., traffic, armed felon, etc.).
  - f. Estimated speed of vehicle being pursued.
  - g. Contact a supervisor.
- (2) **Two-Officer Cars.** With two (2) Officer cars, the passenger Officer shall handle the transmission. Units that have prisoners, witnesses, suspects or complainants or ride-along students aboard shall not become engaged in pursuant situations.
- (3) **Use of Common Radio Channel.** If multiple unit and/or jurisdictions are involved in the pursuit, a common radio frequency should be employed, if possible, based on availability and immediate access to a common channel. All other routine radio traffic on that channel should be suspended until the pursuit is terminated.
- (f) **On-Going Communications.** The Officer engaged in pursuit shall maintain contact with the Communications Center informing them of:
- (1) Changes of direction.
  - (2) Speed of vehicles involved.

- (3) Action of vehicles being pursued (i.e., driving recklessly, no lights, etc.).
  - (4) Immediate radio notification upon pursuit termination.
- (g) **Supervisor Responsibilities.** The Chief of Police, shift supervisor or Officer-in-Charge shall have the following responsibilities while a pursuit is underway.
- (1) Assume overall control of the pursuit.
  - (2) Monitor the progress of the pursuit to ensure compliance with policies, procedures and legal standards.
  - (3) Order and coordinate additional police units to assist, or request other law enforcement agency assistance.
  - (4) Ensure that unnecessary police units resume normal patrol duties.
  - (5) Order the termination of the pursuit if distance, time, road or other traffic conditions or other circumstances warrant a pursuit termination.
  - (6) Assist the Communications Center with controlling radio communications during the pursuit.
  - (7) Coordinate alternative tactics to induce or possibly force the fleeing vehicle to stop.
  - (8) Conduct a followup review of the pursuit.
- (h) **Secondary Units.** Whenever possible, a specific unit should be assigned as a secondary unit by the Communications Center. The pursuit will be limited to the initial and one (1) secondary unit. Other units may provide nonpursuit assistance, including, but not limited to, those tactics reflected under Assistance Tactics (below).
- (i) **Secondary Unit(s) Assistance Tactics.**
- (1) Any secondary unit will primarily provide back-up to the primary unit and will become the primary unit in the event the primary unit becomes disabled. Officers in secondary units should be prepared to assume primary police unit duties if circumstances require.
  - (2) Other assistance units may be utilized to enter the roadway ahead of the pursued vehicle and hinder this continued high-speed travel.
  - (3) Other assistance units may likewise take up parallel positions to the pursuit to be in position in the event of a change of direction by the pursued vehicle or in the event of abandonment of the vehicle and fleeing by foot. Assistance vehicles providing parallel pursuit should be operated as a tracking vehicle only and not be operated at pursuit speeds.
  - (4) The secondary unit shall remain a safe distance in back of the pursuit unit and be ready to assist when the violator's vehicle is stopped.
  - (5) Secondary back-up police vehicles shall not attempt to pass the primary pursuit unit.

- (6) All units in pursuit, whether the vehicle in front is the suspect unit or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the preceding vehicle stops, slows or turns.
  - (7) Officers operating unmarked squads should consider yielding the primary pursuing unit position as soon as that position can be assumed by a marked patrol car. Facts 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.
  - (8) Officers in secondary units should be prepared to assist in the event of accidents or incidents that occur during the course of the pursuit.
  - (9) Assisting Officers may be called on to deploy tire deflation devices (stopsticks/road spike system) pursuant to Section 5-5-5.
- (j) **Control of the Pursuit.** Unless relieved by a supervisor, the Officer in the unit initiating (primary unit) the pursuit shall be responsible for the broadcasting of the progress of the pursuit, controlling the pursuit tactics and deciding if the pursuit should be abandoned. If the primary unit is unable to continue the pursuit, the secondary unit shall become the primary unit.
- (k) **Roadblocks.** Roadblocks will be employed only as a last resort and with the authorization of the Chief of Police or a supervisor. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted and shall be in strict departmental conformity. (See "Roadblock" policy in Title 5, Chapter 5.)
- (l) **Threatened Vehicle Contact.** Unless authorized by a Department supervisor, it is the policy of this Police Department that Officers involved in a pursuit situation not pull alongside a fleeing motorist in an attempt to force the subject into a ditch, curb, parked vehicle or other obstacle.
- (m) **Deliberate Vehicle Contact.** It is the policy of this Police Department that initiating of deliberate contact between vehicles is to be avoided due to the potential hazards involved. Should the nature of the offense be such that immediate apprehension is absolutely necessary, care should be experienced to insure that noninvolved members of the public are not involved in any manner. Ramming is authorized, if, and only if, the use of deadly force would be authorized and then after all other reasonable means of apprehension have been exhausted.
- (n) **Pursuit Intervention Techniques (PIT).** The use of pursuit intervention techniques is authorized as an intermediate force level technique provided the Officer has been trained in the use of this technique.

(o) **Use of Firearms During Pursuit.**

- (1) It is the policy of this Department that Officers use only the minimum amount of force necessary with the accomplishment of the mission and shall exhaust all reasonable means of apprehension or defense before resorting to the justifiable use of firearms. Use of firearms is allowed only in those cases where deadly force is authorized and must conform with Departmental policy. Firing in the direction of or from a vehicle when such force may legally be used is forbidden if there is likelihood of serious injury to innocent persons or if the use of such force would likely outweigh the law enforcement purpose served.
- (2) Officers should consider the very low success rate of stopping a fleeing vehicle by the use of firearms. Even when justified in compliance with Wisconsin law, Officers should use firearms only as a last resort and only in the most extreme of cases.
- (3) The safety of innocent persons and officers is to be a primary factor in a Officer's decision to discharge a firearm at or from a moving vehicle. In *extreme* situations necessary to protect the Officer's personal safety, an Officer may discharge a firearm at or from a moving vehicle. The following are but a few of the factors to be weighed:
  - a. Ricochets.
  - b. Danger from out-of-control vehicle.
  - c. Safety of passengers in fleeing vehicle.

- (p) **Intersections.** Intersections present a special hazard to emergency vehicles. Officers should decrease their speed when approaching an intersection to a rate of speed that would better enable them to stop, if necessary.

*Cross-Reference:* Title 1, Chapter 12, Extraterritorial Jurisdiction.

## **Sec. 5-3-4 Discontinuing High Speed Pursuit.**

### **PROCEDURES:**

- (a) **Evaluation.** A pursuing unit has the prerogative to terminate a high speed pursuit at any time if, in his/her judgment, the risks outweigh the seriousness of the offense or if lives are being unduly threatened by the high speed pursuit. Officers involved in a pursuit shall continually evaluate whether the seriousness of the violation or other cause for the pursuit reasonably warrants continuation of the pursuit. The element of any personal challenge shall never enter into the Officer's decision. The decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action. Abandonment of pursuit is in no way a threat to the Officer's pride.

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- (b) **Termination Considerations.** Consideration must be given to the present danger, seriousness of the crime, length of pursuit and the possibility of identifying the suspect at a later time when determining whether or not to continue the pursuit.
- (c) **Termination by Chief of Police/Supervisor.**
- (1) The Chief of Police or a supervisor shall have the authority to cancel all unnecessary units involved in the pursuit. The Chief of Police or supervisor, or the Officer involved, have the authority to terminate a pursuit or chase altogether if, in his/her judgment, the specific risks being taken are out of proportion to the seriousness of the offense committed.
  - (2) Once the pursuit leaves the City's limits, the Sheriff's Department shift supervisor has authority to terminate any pursuit by a city/village/town police vehicle.
- (d) **Officer Accountability.** All law enforcement officers involved in vehicular pursuits will be accountable for the continuation of a pursuit when circumstances indicate the pursuit should be discontinued.
- (e) **Circumstances Where Termination Required.** Pursuit shall be terminated under any of the following circumstances:
- (1) Supervisor or officer-in-charge orders termination of pursuit.
  - (2) The suspect's identity has been established to allow later apprehension and there is no other immediate reason to pursue.
  - (3) The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit by creating a situation of unreasonable danger to law enforcement officers or other persons in the area which outweighs the competing public interests involved in the apprehension of the one being pursued. Perhaps factors affecting the initial judgment to pursue have changed such as a volume of traffic requiring maneuvering, presence of pedestrians, density of area, roadway character and condition and weather.
  - (4) When the Officer's vehicle or emergency equipment malfunctions.
  - (5) The pursuit law enforcement officer is not comfortable continuing the pursuit.
  - (6) The pursued vehicle's location is unknown.
  - (7) The pursuit operation must conform with Departmental rules on territorial jurisdiction.
  - (8) When the continuing distance between the pursuing and fleeing vehicles is such that further pursuit is futile.
  - (9) When it is necessary to stop to render aid to an injured person and no other police unit is immediately available to do so.
  - (10) The level of danger to the law enforcement Officer or the public created by continuation of the pursuit is greater than the necessity for immediate apprehension. Near accidents or near loss of control are but two (2) indications of this danger.

(f) **Continued Monitoring.**

- (1) When a pursuit is terminated, the Communications Center will be notified of the pursuit termination. The Officer involved with the pursuit shall turn off emergency equipment, pull over to the side of the road, and then notify the Communications Center that the pursuit has ended, provide the location of where the Officer has pulled over, and confirm that the fleeing vehicle has not created or caused any traffic hazards or accidents.
- (2) Termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in an area to reinitiate pursuit if the opportunity and conditions permit.

**Sec. 5-3-5 Duty to Drive with Care.**

**POLICY:**

- (a) Officers are cautioned that it is their duty to drive with due regard for the safety of all persons and property upon the roadway. This duty applies even though nonemergency vehicles are required to yield the right-of-way to emergency vehicles.
- (b) Officers are also obliged to slow down as necessary for safety to other traffic upon approaching a stop sign or other signal. Officers may proceed cautiously to pass such stop sign or signal if exercising due regard for the safety of all persons using the street or highway.
- (c) The use of a police vehicle to force an eluding vehicle off a road is considered deadly force and shall only be used under authorized deadly force circumstances, unless being done by an Officer trained in the use of pursuit intervention techniques.

**COMMENTARY:**

A decision by the pursuing law enforcement officer to discontinue pursuit does not in any way reflect on that officer's courage, but rather it is recognized by all members of the Department as a decision which indicates concern for life and property—the first consideration of all law enforcement officers.

This policy calls for a balancing of two considerations by the Officer in deciding to engage in a high speed pursuit. First, the increased risk to innocent persons and the risks which are reduced or eliminated by apprehension. *An Officer may not engage in high speed pursuit if the risks raised by this action are substantially greater than the risks that they seek to avoid.*

Secondly, the Officer should also consider the area and terrain in which the pursuit will occur.

An Officer may not engage in high speed pursuit if the risks sought to be avoided do not substantially outweigh the risks of the high speed pursuit.

### **Sec. 5-3-6 Pursuit into Another Jurisdiction.**

#### **POLICY:**

- (a) When acting in accordance with the provisions of this high speed pursuit policy, Officers may pursue vehicles into adjoining jurisdictions. In this event, the jurisdiction involved should be notified by the Communications Center of the pursuit, the reason for it and whether direct assistance with the pursuit is requested. Direct pursuit assistance should only be requested if available Sheriff's Department resources are inadequate or if assistance of a special nature is needed.
- (b) Whenever an Officer of this Department is in pursuit in another jurisdiction, the Officer shall terminate the pursuit if directed to do so by a commanding officer or officer in charge of that jurisdiction, particularly those of the Sheriff's Department.

#### **PROCEDURES:**

When an Officer anticipates he/she will be crossing jurisdictional lines in pursuit, the Officer shall notify the dispatcher; and the dispatcher shall alert the appropriate jurisdiction that a pursuit is headed into that jurisdiction. If Officers of this Department are requested to do so under a mutual aid call-out, Officers may follow any person or persons anywhere in the county, or beyond the county, into a county, city, village or town and arrest such person(s). However, such mutual aid call-out must be received first, before commencing such mutual aid pursuit.

*Cross-Reference:* Title 1, Chapter 12, Extraterritorial Jurisdiction

### **Sec. 5-3-7 Involvement in the Pursuit of Another Jurisdiction.**

#### **POLICY:**

- (a) Officers of the City of Stanley Police Department shall not become involved in another jurisdiction's vehicle pursuit unless *specifically first requested* to do so by the agency involved. Upon receiving a formal request of this nature, the Communications Center will obtain and relay information to Officers regarding the request including vehicle description, direction of travel, the reason for the pursuit and if the suspect's identity is known.

Involvement of Officers by this Department will proceed thereafter in accordance with the provisions of this policy.

- (b) Officers are encouraged to deploy the Department's road spike system ("Stinger Spike System"; "stop sticks") outside the City limits in an effort to slow the pursuit down prior to it entering the City of Stanley; such deployment shall comply to policies of Section 5-5-5 regarding road spike use.

## Title 5 ► Chapter 4

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### **Radar**

#### **5-4-1** Use of Radar

#### **Sec. 5-4-1 Use of Radar.**

##### **STATEMENT OF PURPOSE:**

The objective of traffic enforcement is to reduce the incidents of traffic accidents and injury to the motoring public and to gain voluntary compliance by members of the public to traffic regulations and laws.

##### **POLICY:**

It is the policy of the City of Stanley Police Department that radar will be used in an effort to gain voluntary conformance to traffic regulations and to assist the law enforcement Officer in identifying those motorists who, through excessive speed, present a hazard to law-abiding motorists.

##### **COMMENTARY:**

- (a) When preparing to operate the radar unit Officers shall follow the procedures set forth in the operator's manual for the testing and operation of that unit. For purposes of court room testimony, it is important to become familiar with the operation procedures stated in the operator's manual. There is beginning to be a popular move by the defense attorneys to take questions directly out of the operator's manual. Many of these cases have been lost because the Officer could not give an answer to the proper operation of the radar unit, thereby leading the judge and/or jury to doubt the officer's competency in the operation of the radar unit.
- (b) Due to the court decisions and because of *State v. Hanson*, 85 Wis. 2d 233 (1978), an Officer using radar should be aware of the following guidelines which must be met in order for a court of law to accept "prima facie" presumption of accuracy regarding the radar machine:
  - (1) The Officer operating the radar device has had adequate training and experience in operation of the machine.

- (2) The radar machine itself was in proper working condition at the time of the arrest.
- (3) The radar device itself was used in a physical area where the road conditions were such that there was a minimum possibility of distortion (i.e., trees, billboards, hills, other traffic, etc.).
- (4) In cases of the use of moving radar, the speed of the patrol car must be verified. Such verification is felt to be valid when an Officer actuates the machine's "verify" mode and thus reads the displayed speed of the patrol vehicle. This should be done in the same area as the citation was issued.
- (5) All use of radar will require that the unit be tested before and after use by the employment of tuning forks testing such accuracy. These tests shall be noted on the citation form. This shall also be done after the issuance of a citation, and the results of such test shall be noted.
- (6) The patrol vehicle speedometer must be expertly tested. To date, such testing has been considered, at a minimum, the use of radar at least once per year. Furthermore, the Officer should be present during such testing so that the Officer may testify as to his/her personal knowledge as to the results of the test, therefore eliminating the problems of hearsay evidence.

**PROCEDURES:**

(a) **Stationary Mode.**

- (1) No Officer will use radar for speed enforcement until they are trained according to appropriate state standards.
- (2) No radar will be used for speed enforcement purposes unless it has been calibrated by an authorized technician. All Officers that are certified in the use of the radar will, at the beginning of each shift, check the radar in the squad they are using. The radar will then be used during the shift.
- (3) Serial-numbered tuning forks will be kept with the assigned radar unit at all times, and the same calibration requirements as apply to the radar devices will apply to all tuning forks.
- (4) All radar units will be set up according to currently accepted techniques.
- (5) All radar units will be tested using currently accepted techniques.
- (6) Recognizing that a moving test of the radar unit is the most extensive test currently available, it shall be used prior to putting the radar in operation after any shut down period.
- (7) The maximum tolerance for an internal check on the radar device shall be zero (0) miles per hour.
- (8) The maximum tolerance for an external check shall be one (1) mile per hour.
- (9) The radar shall be tested internally and externally at the beginning of each patrol shift.
- (10) Beam range shall be determined by currently acceptable techniques prior to putting the unit in operation on any shift.

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- (11) Citations shall not be issued unless the officer's estimate of speed and the radar agree within five (5) miles per hour.
  - (12) Doppler audio shall be used at all times when that radar is in operation.
  - (13) Sites shall not be selected in areas which are likely to cause distortion.
- (b) **Moving Mode.** In addition to the above procedures, when operating in the moving mode, the following will apply:
- (1) The Officer will conform with all guidelines of the *Hanson* decision.
  - (2) The squad car input will be verified, and the information will be recorded in the officer's report.
  - (3) The squad car's speedometer will be calibrated by currently acceptable methods.
  - (4) No moving radar will be used for speed enforcement purposes unless it has been calibrated by an authorized technician within the last year.
  - (5) When the radar is operated in the pacing mode, the squad car input speed shall be compared with a calibrated speedometer, and no enforcement action shall be taken if the two disagree by plus or minus one (1) mile per hour. An adjustment may be made to the vehicle speedometer certification.
- (c) **Miscellaneous Provisions.**
- (1) When operating radar the Officer should be observing the traffic he/she is monitoring. The Officer should not be doing paperwork or reading.
  - (2) While radar is in operation, the power/volume knob should be turned on to the point where the audio sounds off when a vehicle enters the radar zone of influence. The operator then verifies his/her observations of the speeding vehicle by looking at the target display. A tracking history of the vehicle speeds should be noted. Example: The vehicle entered the radars zone of influence traveling at forty-two (42) mph raised to forty-five (45) mph and dropped to thirty-five (35) before leaving the radars zone of influence. The tracking history is an important part of your testimony for it helps show that the radar unit was operating properly and that you were not getting a false reading.
  - (3) Also, it is not necessary to lock the violator's speed in. The violator does not have any right to see the speed the Officer had measured him/her at. If the violator wishes to inspect the radar unit, he/she has ten (10) days in which to file for discovery with the court.
    - a. Each radar should be operated for a minimum of one (1) hour each shift, unless work load voids this.
    - b. The radar will be operated at least 1/10 of a mile from a speed zone change.



## Title 5 ► Chapter 5

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# Roadblocks

<b>5-5-1</b>	Roadblocks
<b>5-5-2</b>	When to Utilize Roadblocks
<b>5-5-3</b>	Roadblock Implementation
<b>5-5-4</b>	Reports on Roadblocks
<b>5-5-5</b>	Tire Deflation Devices

### **Sec. 5-5-1 Roadblocks.**

#### **POLICY:**

Roadblocks may only be used with the prior authorization of the Chief of Police or Officer-in-Charge. It is the policy of this Department that utilization of an "extreme roadblock" be reserved for those incidents where the Officer has reasonable belief that the occupants of the fleeing vehicle have caused death or serious injury of another. A "partial roadblock" may be implemented in cases of fleeing traffic offenders upon the request of other law enforcement agencies or to assist members of this Department to apprehend drivers of fleeing vehicles. "Moving roadblocks" will only be utilized when time is of the essence, not allowing the establishment of either a partial or an extreme roadblock.

#### **DEFINITIONS:**

- (a) **Extreme Roadblocks.** The blocking of a roadway so as to allow no avenue of escape to the fleeing vehicle.
- (b) **Partial Roadblocks.** The blocking of a roadway in such a manner as to allow one lane of traffic to pass, but only at a reduced rate of speed.
- (c) **Moving Roadblocks.** With a moving roadblock, the blocking vehicles are moving in the same direction as the offending vehicle. A moving roadblock can either be extreme or partial in nature depending on the number of vehicles used.

## **Sec. 5-5-2 When to Utilize Roadblocks.**

### **PROCEDURES:**

- (a) **Use Criteria.** Roadblocks may be established when authorization from the Chief of Police or Officer-in-Charge is first received and the Officer reasonably believes that:
- (1) The arrest cannot be made without the roadblock;
  - (2) The Officer is not substantially increasing the risk to the safety of innocent persons;
  - (3) The occurrence of great bodily harm cannot otherwise be prevented; and/or
  - (4) The criteria for pursuits under Sections 5-3-1 through 5-3-4 exist.

## **Sec. 5-5-3 Roadblock Implementation.**

### **PROCEDURES:**

- (a) **Roadblock Placement; Warning Lights.** A roadblock should be established using all the emergency visual equipment available to light up the scene. Roadblocks will be set up in a way that approaching drivers can stop safely. A roadblock should never be set up on a dark or blind area, such as just over hills, or around curves, etc. Whenever possible, a roadblock should be set up in a well-lighted area, using emergency visual aid equipment to further light up the roadblock, including:
- (1) Rotating or flashing red/blue lights.
  - (2) Headlamps.
  - (3) Spotlamps.
- (b) **Communications Center Notification.** The Communications Center will be immediately notified of the precise location and type of roadblock being established.
- (c) **Removal of Bystanders.** Officers at the roadblock shall remove all persons from the immediate area of the roadblock to prevent their being injured.
- (d) **Dismantling of Roadblock.** As soon as it becomes unnecessary for apprehending a suspect, the roadblock shall be dismantled. If any Officer obtains sufficient information to identify and later apprehend the driver being pursued, the roadblock shall be dismantled, unless the risks to all persons which would accompany a later attempt to arrest or cause by a delay in attempting the arrest will be as great as or greater than the risks accompanying the roadblocks.

- (e) **Commandeering of Civilian Vehicles.** The commandeering of civilian vehicles should only be used in serious felony situations. Sections 92.09(13) and 946.40, Wis. Stats., allow an Officer to demand assistance from civilians, even to the extent of using their vehicles for a roadblock. This course of action is to be avoided and used only in serious felony situations.
- (f) **Auxiliary Emergency Warning Equipment Utilization.** Whenever an extreme or partial roadblock is utilized, all auxiliary emergency warning equipment is to be in operation. With a moving roadblock, both visual and audio warning devices shall be operated. All emergency lighting equipment shall be used to illuminate the roadblock area to visually enable the suspect to see the roadblock and allow the suspect the opportunity to stop. In addition, flares, fuses and other illumination equipment should be employed to further identify the presence of the roadblock, especially during hours of darkness or reduced visibility. Headlights are not to be used to blind drivers approaching the roadblock.
- (g) **Roadblocks to Present Fleeing Driver Opportunity to Stop.**
- (1) Except in extreme circumstances, and under direct authorization from the Chief of Police or a supervisor, an opening in the roadblock shall be provided to leave the suspect vehicle an area to pass through if the suspect impulsively decides to drive through the roadblock.
  - (2) Roadblocks shall not be employed in such a manner that the driver of the fleeing vehicle cannot react or safely stop fleeing. Roadblocks shall be placed to present an opportunity for the fleeing driver to make a decision to stop fleeing.
- (h) **Blocking Vehicles to Be Vacated.** *No one* shall be allowed to remain in any of the blocking vehicles. All officers at the scene of an authorized emergency roadblock shall position themselves outside of their vehicles and at a safe distance from the block so as to protect themselves from injury in the event the fleeing vehicle(s) attempts to run through or around the blockade.
- (i) **Partial Roadblocks.** Partial roadblocks may be implemented in cases of fleeing traffic offenders, either upon request of other police officers or to assist our officers in the apprehension of offending vehicles.
- (j) **Moving Roadblocks.** Moving roadblocks may be used when time is of the essence, not allowing the establishment of a partial or extreme roadblock.
- (k) **Notification to Other Units.** Pursuing vehicles are to be notified immediately of the locations of any type of roadblock so as to allow reactionary measures to be taken.

- (l) **Use of Municipal Equipment With Roadblocks Outside of City.** Roadblocks using municipal equipment shall not be set up outside of the City's jurisdiction unless approved by the Chief of Police or a supervisor.

**COMMENTARY:**

Roadblocks are inherently dangerous procedures and must be used only to accomplish a specific purpose, while affording maximum safety commensurate with the situation. Prime consideration must be given to the safety of the users of the highway when employing roadblocks and an adequate warning of the roadblock must be given to all directions of traffic flow.

*Kagel v. Brugger*, 119 N.W.2d 394 (Wis. 1963), stated that police departments have an inherent authority to set up roadblocks in a reasonable manner for a apprehension of fleeing violators. The court opinion also stated that the responsibility for the type and use is upon the officer or agency involved. References for this policy include:

- (a) Section 62.09(13)(a), Wis. Stats.; *Kagel v. Brugger*, 119 N.W.2d 394 (Wis. 1963).
- (b) Wisconsin Motor Vehicle Code 346.04; and
- (c) 45 OAG 152 (1956).

**Sec. 5-5-4 Reports on Roadblocks.**

**POLICY:**

The Chief of Police shall evaluate the actions of Officers involved in a roadblock.

**Sec. 5-5-5 Tire Deflation Devices.**

**POLICY:**

- (a) **Purpose.** The purpose of this policy is to assist Officers in safe apprehension of suspects, reduce risk to citizens and Officers, and prevent accidents and injuries associated with pursuits. The policy is intended to place the highest regard for safety of the general public and law enforcement personnel. It is also intended to assist with conventional pursuit methods and reduce liability.
- (b) **Utilization of the Tire Deflation Devices.** The use of tire deflating devices, such as road spike systems or "stop sticks", if such system is obtained by the Department, will be governed by sound professional judgment and the procedures outlined in this policy.

Should allied agencies request to utilize this Department's tire deflating spikes, they are expected to comply with the contents of this policy.

- (c) **Deployment of Tire Deflation Devices.** Tire deflation devices are an intermediate intervention option. The intent of using the road spikes is to stop the violator by disabling the vehicle. This intervention tactic is authorized pursuant to the provisions stated as follows in this policy.

#### **DEFINITIONS:**

A tire deflation device or "road spike system" is a hollow spike strip designed to stop a vehicle by deflating pneumatic tires (tube or tubeless type). The unit is constructed of hollow stainless steel spikes, mounted in a device which holds them in an upright position. The device is then laid across the roadway in the path of a fleeing vehicle. When the vehicle passes over them, the hollow spikes penetrate the tire and pull free from the base. The tires are then deflated at a controlled rate, resulting in the safe and effective immobilization of the vehicle.

#### **PROCEDURES:**

- (a) **Use Determination.** Intervention may be undertaken when it is determined by the pursuing Officer and/or supervisor monitoring the pursuit, that the apparent risk of harm to the public, officers, and suspect outweigh the risk involved in making the forcible stop; and
- (1) The Officer attempting to apprehend the suspect has given notice of command to stop the suspect by means of both red/blue emergency lights and siren.
  - (2) The suspect ignores the efforts and warnings obvious and visible to a reasonable person in the suspect's position.
  - (3) After other reasonable means of apprehension have been ineffective and have been rejected as impractical, such as the continued following or additional unit assistance and when deadly force would not be justified.
- (b) **Use With Two-Wheeled Vehicles Discouraged.** Road spikes shall not be used to stop motorcycles, mopeds, or other similar two-wheel vehicles unless the use of deadly force is justified.
- (c) **Use Discouraged Situations.** Deployment of road spikes to stop the following vehicles is discouraged:
- (1) Any vehicle known to be transporting hazardous materials.
  - (2) Any passenger bus transporting passengers.

- (3) Any school bus transporting students.
- (4) Any vehicle that would pose an unusual hazard to innocent parties.
- (d) **Officer Familiarity Required.** Only those Officers familiar with the operation, deployment and recovery of the road spikes will utilize the road spikes.
- (e) **Policy Compliance.** Road spikes will be deployed according to Department policy.
- (f) **Placement.** Placement of the road spikes should be in the most effective location:
  - (1) Officers should identify potential strategic locations well in advance of the need to use them.
  - (2) Deployment locations should be on a straight, level roadway which provides a good line of sight to enable the person deploying the road spikes to observe the pursuit and other vehicles as they approach.
  - (3) The Officer(s) deploying the tire deflating spikes should choose a location with natural barriers such as roadway overpasses, guardrails, or sturdy trees, behind which the officer(s) will be provided adequate cover in the event the fleeing offender should take evasive action or otherwise deviate his/her vehicle toward the officer(s).
  - (4) Traffic, construction, special events and areas with pedestrian traffic may create situations where the use of spikes would be inappropriate.
- (g) **System Deployment.**
  - (1) Close coordination between the person deploying the road spikes and the pursuing unit shall be maintained.
  - (2) The pursuing unit shall notify those at the deployment site of the approach of the pursuit, as far in advance as possible.
  - (3) The person deploying the spikes shall be in position at a pre-determined location in sufficient time for proper deployment. All pursuing units should be notified when spikes are in place.
  - (4) After deploying the system, personnel at the scene should immediately seek protection: All bystanders shall be removed from the immediate area. Uninvolved vehicles, in so far as practical, shall be moved to a position beyond the set up area to minimize the possibility of collision with the suspect vehicle.
  - (5) The system will be pulled off the roadway immediately after the suspect vehicle has passed and prior to the passage of the pursuit vehicle(s).
  - (6) The Officer(s) deploying the spikes is/are responsible for securing them immediately after their use. This will include searching the immediate area where the spikes were used and collecting any spikes which may have become detached, properly maintaining, preparing for re-use, and storing the spikes.

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- (h) **After Use Report.** A supplement report will be submitted by the deploying Officer stating all the facts surrounding the deployment of the road spikes to his/her supervisor.



## Title 5 ► Chapter 6

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# Traffic Accidents

<b>5-6-1</b>	Traffic Accident Investigation
<b>5-6-2</b>	Accident Involving Fatal or Serious Injury
<b>5-6-3</b>	Hit-and-Run Accidents
<b>5-6-4</b>	Accident Reports
<b>5-6-5</b>	Arrival at Accident Scene
<b>5-6-6</b>	Accidents Involving Department Vehicles
<b>5-6-7</b>	Fatal Crash Driver BAC Testing

### **Sec. 5-6-1 Traffic Accident Investigation.**

#### **POLICY:**

- (a) It will be the policy of the City of Stanley Police Department to thoroughly and diligently investigate each reported traffic accident. The degree of investigation will be commensurate with the seriousness of the accident and/or the seriousness of any related crime or offense. Investigating Officers shall properly document the investigation. In all cases, when the investigating Officer has reason to believe that a violation(s) of law has caused or contributed to the traffic accident, appropriate enforcement action should be taken. Given the magnitude of the problem of the alcohol-or drug-impaired driver, Officers of this Department will place a special emphasis on the investigation of accidents where intoxicants are a factor.
- (b) Members of the Department will investigate and complete a report of all accidents reported or discovered within its jurisdiction regardless of severity. Accidents not required to be reported under Sec. 346.70, Wis. Stats., shall be investigated upon request by an involved party. Those accidents not requiring a state report shall be placed in an Incident Report form.
- (c) The Officer(s) dispatched to a traffic accident will respond without delay using due care to avoid other injury or property damage. While the dispatcher's knowledge of the circumstances of the accident will be considered, the responding Officer will be responsible for determining the manner of response. It should be remembered Wisconsin Statutes require the use of both emergency lights and siren to qualify for what is, at best, limited

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immunity as an emergency vehicle operator. Upon arrival at the accident scene, the Officer(s) duties include the following steps in Subsections (d)-(g) below.

- (d) **Protecting the Scene.** Officers are to take those steps necessary to ensure that the accident scene is protected from further trauma (positioning of police vehicles, use of flares, traffic cones, etc.). The first Officer on the scene will quickly assess the need for additional assistance.
- (e) **Care of the Injured.** Officers are to render aid and summon ambulance personnel as appropriate and necessary. Victims evidencing serious neck or back injury are to be moved only by skilled medical personnel unless a life-threatening situation exists. Be alert for well-intentioned, but unskilled, bystanders who may unwittingly aggravate injuries and/or hamper the investigation.
- (f) **Stabilization Activities.** If the accident is of a minor nature, the vehicle(s) involved may be moved to the side of the road or to a nearby parking area to facilitate normal traffic flow. If the accident is of a serious nature, the vehicle(s) involved should not be moved from its final resting place until the field investigation has been completed. Safe passage around the accident scene, perhaps by an alternate route, should be afforded other motorists. Officers should ensure that items of value as evidence and property belonging to accident victims are secured.
- (g) **Investigating the Accident.** Minimum departmental investigative requirements are set forth in the accompanying chart. It addresses only the degree of damage and injury involved in a motor vehicle accident; it is expected that the extent of the investigation will also be influenced by the seriousness of any related crime or offense.

**PROCEDURES:**

When applicable, the following techniques shall be used by Officers in the investigation of traffic accidents by the City of Stanley Police Department:

- (a) **Accident Call Initiated.** An Officer receiving a call from a dispatcher, or other sources, should make an effort to obtain the following information:
  - (1) Location of the accident.
  - (2) Severity of the accident.
  - (3) Whether traffic or the highway is blocked.
  - (4) Other units assigned (other police units, ambulances, fire department, wreckers).

(NOTE: An Officer who initiates an accident call should take steps to disseminate the information noted above.)

**(b) Response to the Scene.**

- (1) The Officer's manner of driving to an accident scene should be safe and based on a need for immediate action. The following applicable statutes and policies should be adhered to:
  - a. Sec. 346.03, Wis. Stats., applicability of the Rules of the Road to Emergency Vehicles.
  - b. Sec. 346.04, Wis. Stats., Obedience to Officers, Signs and Signals.
  - c. Sec. 347.38, Wis. Stats., Use of a Siren.
  - d. Sec. 347.25, Wis. Stats., Warning Lamps on Emergency Vehicles.
  - e. Sec. 347.255, Wis. Stats., Lamps Used to Activate Traffic Signals.
  - f. Department policies, which may be more restrictive than statutes, shall be adhered to.
- (2) The Officer should be alert for vehicles which give an indication of involvement in a traffic accident. One example would be a hit-and-run collision. Officers should be alert for vehicles leaving the scene. The Officer should look out for such things as:
  - a. Excessive speed.
  - b. Equipment malfunctions.
  - c. Damaged parts.
- (3) The Officer should be alert for unusual conditions including visibility and view obstructions, condition of traffic control devices, presence of construction zones, road conditions and other contributing hazards. Preliminary observations may require a closer study for a complete investigation.

**(c) Arrival at the Scene.**

- (1) The responding Officer shall park properly at the scene in a location that will not unnecessarily block traffic, but will protect the scene:
  - a. Park as close to the scene as is safely possible.
  - b. Provide maximum protection to the scene.
  - c. Provide access to radio and other equipment.
  - d. Provide a place to interview the participants.
- (2) The Officer should look for fire or electrical hazards and/or hazardous materials spillage. If necessary, proper authorities should be notified.
- (3) The Officer should evaluate the accident to determine additional needs, such as:
  - a. Other personnel.
  - b. Fire apparatus.
  - c. Ambulance.
  - d. Wreckers and other special equipment.
  - e. Assess the need for hazardous material clean up.

(d) **Care for the Injured.**

- (1) Emergency care is a primary responsibility. However, it is not the only reason for being at the scene. It should not be performed to the exclusion of protecting the scene from further accidents.
- (2) Officers shall attend to the most serious injuries first and then turn this task over to other qualified personnel as soon as possible.

(e) **Determine if Hit-and-Run Accident.** The Officer shall obtain the best possible description of the vehicle damage, the vehicle occupants and the direction of travel. The Officer shall follow the procedures of Section 5-6-3.

(f) **Protect Property of Participants.** In the event of the accident participants being unable to protect their own property, it becomes of the Officer's responsibility to secure or dispose of this property accordingly to agency policy.

(g) **Locate and Interview Accident Participants.** Officers shall identify and interview drivers and witnesses separately and individually concerning the traffic accident. The initial interview may be brief to obtain minimal information; however, Officers should make special note of spontaneous comments. A later, more complete interview may be done. Other procedures of concern are:

- (1) Consider constitutional protections when applicable.
- (2) Determine participants' physical condition with particular reference to:
  - a. Use or influence of alcohol and/or controlled substances.
  - b. Injuries related to the accident or present before the accident.
  - c. Fatigue or drowsiness.
  - d. Physical disabilities or impairments.
  - e. Unusual behavior.
- (3) Obtain essential information for reporting:
  - a. Operator name, current address, telephone number, date of birth and driver's license number.
  - b. Vehicle year, make, model, body style, color, vehicle identification number, license plate number and plate type.
- (4) Officers should consider these methods when interviewing the participants:
  - a. Interview them separately and individually whenever possible.
  - b. Interviews of participants should be done as soon as practical following the accident.
  - c. Question drivers relative to their trip plan, emotional experience, at what point the danger was first perceived, what the driver was doing at the time, the vehicle speed, any evasive action taken and the condition of that person's vehicle.

- d. Witnesses, when available, should be questioned as to their exact location when they witnessed the accident, what they were doing at the time, what called their attention to the accident and what they saw, heard or performed in response. Examples of information which should be obtained from witnesses (and drivers):
  1. Did they see the brake lights?
  2. Were cycle headlamps on?
  3. Did front end dip in heavy braking?
  4. Vehicle behavior—turning/braking speed.
  5. Did they see signs, pavement markings, etc.?
  6. Did they hear tires squeal in cornering or braking?
  7. Did they hear or feel tire failure?
  8. Record what is both known and unknown.
- e. Follow-up questioning.
  1. Learn from the participants, as precisely as possible, what occurred before, during and after the collision.
  2. Listen to the participant's version of the accident fully and without interruption. Once this is done, detailed questioning by the Officer can begin.
  3. Written statements, when possible are recommended.

(h) **Checking the Scene for Physical Evidence.**

- (1) Because of the transitory nature of the accident scene, many items of physical evidence may be short lived and will require immediate identification and collection. Evidence from traffic accident scenes should be collected and preserved in the same manner as any other evidence of a crime.
- (2) Vehicle tire skid marks are one of the most common types of physical evidence found at the scene of a traffic accident. Some steps to take are:
  - a. Correlate skid marks to specific tires on vehicles.
  - b. By taking appropriate measurements, locate the origin, termination and sudden change in direction. In case of critical speed scuff mark, measure chord and middle ordinate. The critical speed scuff mark is made by a rolling tire and has distinct edge-to-edge striations.
  - c. Measure skid and tire widths. Note that skid marks on the pavement surface will generally measure up to one-quarter inch narrower in width than the tire tread on the vehicle.
  - d. Check the groove pattern.
  - e. Photograph the tire treads in serious accidents.
  - f. Examine the tires for scrub or scuff marks, including sidewalls.
- (3) Other types of physical evidence found at the traffic accident scene include vehicle lamps where use of or failure to use may have affected the accident occurrence. If applicable, the Officer should:

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- a. Remove lamps intact where possible, noting lamp orientation to vehicle.
- b. If lamp is damaged, recover as much as possible and handle carefully.
- (4) Gouges and scratches in pavement and other accident scene surfaces can be important evidence as to point or area of impact, while scratches can aid in determining vehicle travel after impact. The Officer should, if applicable:
  - a. Correlate gouges and scratches to specific parts on specific vehicles.
  - b. By taking appropriate measurements, locate gouges and scratches.
  - c. Measure lengths and widths of these marks.
  - d. Photograph both the surface mark and the vehicle part involved.
- (5) Broken parts of vehicles (glass and paint) can be especially helpful in hit-and-run cases, as well as aiding in determining vehicle orientation. The Officer should, if applicable:
  - a. Recover and process as any other type of evidence.
  - b. Take appropriate measurements as to location, height, travel distance after impact, etc.
- (6) Debris and fluid spill can be used to help determine area of impact, post-collision travel and final resting place, among other things.
- (7) Officers should also note evidence of:
  - a. Road conditions.
  - b. Alcohol or controlled substances use.

(i) **Examination of Accident Vehicles.**

- (1) Officers should inspect and record the extent, location and nature of vehicle damage. Officers should:
  - a. Identify contact damage—direct damage or deformation resulting from direct contact of one object on another. Examples are imprints from plates, bumpers or pedestrian clothing.
  - b. Identify induce damage—other than contact damage and indicated by crumpling, distortion and bending, includes damage done by another part of the same vehicle.
- (2) Officers should check for evidence of vehicle equipment violations or nonfunctioning equipment, both within and outside the vehicle. Examples are brakes, lights, tires and safety belts.
- (3) Officers should recover and process evidence by recording which vehicles evidence was obtained from, including the specific location on the vehicle. Officers should take any necessary measurements and photographs.

(j) **School Bus Accidents.** In all accidents involving a school bus, the Officer shall determine if the school bus was traveling to or from a school, the name of the school, the

name of the school district and the body make, the seating capacity of the school bus and the number of students on board.

(k) **Accident Scene Diagrams.**

- (1) All serious traffic accident scenes are to be photographed showing the position of all vehicles, license numbers and damage to vehicles.
- (2) Photographs of the accident scene will be reviewed by the investigating Officer to determine possible contributing circumstances.
- (3) If vehicles have been moved prior to Officer approval, a sketch should be drawn to show the approximate position of vehicles and approximate point of impact. The accident scene should be sketched by the Officer prior to taking measurements. The field sketch aids in identifying the evidence to be recovered. A standard hand-held measuring tape is recommended for making measurements. At a minimum, a "rolatape" should be used. The Officer shall record in his notes what equipment was used to take measurements; an example would be a Stanley fifty-foot steel tape.
- (4) Officers should attempt to locate and measure the following:
  - a. Final position of vehicles and bodies not in vehicle.
  - b. Skid and scuff marks.
  - c. Gouges, scratches and any other surface marks.
  - d. Damage to property other than vehicles.
  - e. Traffic control devices.
  - f. Any environmental factors contributing to or a part of the accident.
  - g. Physical characteristics of the scene, such as traffic lanes, roadways or road shoulders.
- (5) The sketch should contain a legend including the case number, location, date and time of the accident, the Officer preparing the sketch, compass points, etc. Whenever possible, it is recommended that north be up or at the top of the drawing.
- (6) A scale diagram should be completed where appropriate. This will normally be done after the at-scene investigation is completed.

- (l) **Take Appropriate Enforcement Action.** Officers shall evaluate evidence and/or factors contributing to the accident and issue citations or make arrests when appropriate.

(m) **Clean Up the Accident Scene.**

- (1) Whenever possible, accident vehicles should be removed from the scene.
- (2) Vehicles impounded as evidence should be towed to a secure facility to protect the chain of evidence.
- (3) The Officer shall arrange for removal of vehicle parts, debris, etc., from the roadway.

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- (n) **Prepare Reports.** The investigating Officer shall complete the Wisconsin Motor Vehicle Accident Report (MV4000) and appropriate Department reports.

**Sec. 5-6-2 Accident Involving Fatal or Serious Injury.**

**PROCEDURES:**

In addition to the procedures listed above, Officers shall contact the supervisor or Chief of Police in addition to the Coroner/Medical Examiner on all fatal accidents. A blood test of the driver shall be conducted if the accident involves a fatality to determine whether intoxication was involved. [See Section 5-6-8.] Immediately upon notification that a death has occurred, the investigating Officer will direct the Communications Center to notify the Coroner/Medical Examiner and will secure the accident scene and protect it from further deterioration until the Coroner/Medical Examiner releases it:

- (a) Detailed photographs of the scene shall be taken.
- (b) A blood draw will be conducted to determine if intoxication was involved per Section 5-6-8.
- (c) A driver history investigation will be conducted by the investigating Officer.
- (d) A scale diagram depicting the physical layout of the accident site shall be prepared.
- (e) The investigating Officer will prepare a summary and conclusion report.
- (f) In all cases involving the following criminal charges, the District Attorney will be contacted:
  - (1) Homicide by intoxicated use of a motor vehicle.
  - (2) Injury by intoxicated use of a motor vehicle.
  - (3) Injury or death by negligent use of a motor vehicle.
- (g) Additionally, the Wisconsin Department of Transportation's Division of Motor Vehicles requires immediate notification of any fatal accident occurrence. The investigating Officer will direct the Communications Center to send a teletype to the Wisconsin Department of Transportation's Division of Motor Vehicles containing the following information:
  - (1) Date and time of accident.
  - (2) Name of victim(s).

- (3) Location of accident.
  - (4) Type of accident (head-on, etc.).
  - (5) Was the victim the driver, passenger or pedestrian?
  - (6) Results of the driver blood test regarding whether intoxication was involved.
- (h) Any other applicable or required report shall be completed.

### **Sec. 5-6-3 Hit-and-Run Accidents.**

#### **POLICY:**

A hit-and-run accident involving personal injury or death is a felony in the State of Wisconsin. Hit-and-run accidents involving property damage only may be so minimal as to not require the filing of a State Accident Report; however, the standard state report form makes a good investigative tool for organization of information and should be used for the investigation of all such accidents.

#### **PROCEDURES:**

(a) **At the Accident Scene.**

- (1) The Officer shall immediately obtain and broadcast a description of the suspected vehicle and driver.
- (2) The Officer shall concentrate on interviewing witnesses who can identify the vehicle and driver.
- (3) The Officer shall search the scene for physical evidence.
- (4) The Officer shall canvass the area for additional witnesses and information.

(b) **Post-Accident Follow-up.** A state accident report must be filed for all hit-and-run accidents where damage is in excess of One Thousand Dollars (\$1,000.00) to one or more vehicles or where there is injury or a fatality.

- (1) The Officer shall concentrate on locating the vehicle.
- (2) The Officer shall conduct a canvass of garages, auto body repair shops, etc.

#### **COMMENTARY:**

Since the primary aim of traffic law enforcement is to prevent accidents, the determination of proper enforcement policies requires a continual analysis of the accidents that do occur. This analysis stems from statistics compiled from traffic accident reports.

## **Sec. 5-6-4 Accident Reports.**

### **PROCEDURES:**

#### **(a) Motor Vehicle/Pedestrian.**

- (1) The operator of any vehicle involved in any accident resulting in injury to or death of any person, any damage to State or other Government owned property to an apparent extent of Two Hundred Dollars (\$200.00) or more or total damage to property owned by one (1) person to an apparent extent of One Thousand Dollars (\$1,000.00) or more, must immediately report it to a traffic enforcement agency who in turn must file a copy with the State.
- (2) An accident report *will not* be required on any accident that occurs on private property not open to the public. Treat these as an incident which requires an incident report, with the necessary information on the report. Officers will stand by until persons involved have exchanged information—name, address, etc.
- (3) With accidents that occur on private property that is open to the public, or public property, the Officer will make out an accident report.
- (4) Accident reports will not be changed as far as injuries and the amount of damage once the report is filed. Officers should use good judgment.
- (5) All accidents that occur on City streets, alleyways, or are reported in person to the Police Department, will require that an accident report be filled out. If an accident is reported after twenty-four (24) hours or if the location of the accident is unknown, it is up to the Shift Supervisor's discretion whether the Department will make out a report. If the Department is not going to make out the report, then the driver shall be given an accident report to be filled out by the driver.
- (6) On accidents that occur in another jurisdiction, Officers should advise the parties involved to contact that agency themselves. Officers shall not make out a report and mail it to them.

#### **(b) Fatality or Accident With Serious Injuries Where Death Could Result.**

- (1) All vehicles involved in a fatal accident or an accident with serious injuries where death could result will be impounded by the Police Department.
- (2) Automobiles, pickup trucks, and vans will be towed to the Police Department garage and secured there as evidence. (Bikes can be transported by squad car). The vehicles will be towed to the Department's garage or designated storage facility if the vehicle is an automobile, pickup truck or van.
- (3) Large trucks and semi-trucks will be towed to a storage area (secured).

- (4) After inspection, vehicles may be released by the Chief of Police or designee. Arrangements will be made with the Wisconsin State Patrol to utilize one (1) of their inspectors to inspect large trucks and semi-trucks.
- (c) **City or State Property Involved.** There will be an accident report made out on all accidents which involve City or State property, regardless of the amount of damage or if persons involved want an accident report made out or not.
- (d) **Car/Deer.**
  - (1) When accidents occur involving a car/deer, and the deer is either dead or has to be destroyed, the owner of the vehicle involved may claim the deer. If the driver or owner of the vehicle involved declines the animal, it may be given to anyone at the accident scene that shows an interest in it.
  - (2) Individuals may register a car/deer kill via the Wisconsin Department of Natural Resources website at: <https://gowild.wi.gov/wildlife/harvest/carkill>. In addition, may also register the kill by contacting the DNR law enforcement non-emergency number at (608) 267-7691.
- (e) **Hit and Run.** An MV4000 form should be completed in its entirety for all hit and run accidents, regardless of the extent of the damage to the "victim" vehicle.

## **Sec. 5-6-5 Arrival at the Accident Scene.**

### **PROCEDURES:**

- (a) Officers arriving at an accident scene should:
  - (1) Diagram the entire scene using the triangulation or base line method; use fixed objects such as telephone poles, fire hydrants, corner of buildings, curbs, etc.
  - (2) Take photographs at accidents which involve death, serious injury, heavy property damage, or hit and run, if needed for preservation of evidence.
  - (3) Contact drivers and witnesses for statements. In taking statements the following procedure should be used:
    - a. Go over statement orally first.
    - b. Obtain a written statement when needed.
    - c. Have the party read and sign the statement.
    - d. If they refuse statement, just fill out the heading and write "refused" on the statement.

- (4) Complete all accident reports involving a fatality, serious injuries or extensive property damage as soon as possible; this will allow it to be given out to the public. Incomplete reports are to be marked accordingly and left in the office, except when engaged in following up on duty; do not store them in a briefcase, pigeon hole, locker, etc.
- (5) Make sure sufficient time is allowed for the supervisor to review and approve the reports; these reports are not to be given out until the supervisor approves them.

## **Sec. 5-6-6 Accidents Involving Department Vehicles.**

### **POLICY:**

- (b) Unless circumstances do not permit it, it is the policy of this Police Department that *all* accidents involving City of Stanley Police Department vehicles be investigated by an outside agency.
- (c) The first request should be to the County Sheriff's Department. If they are unable to send a Deputy to investigate, a request should then be made to the Wisconsin State Patrol.

### **PROCEDURES:**

- (a) Investigative reports of traffic crashes involving Department vehicles will be reviewed by the affected Officer's immediate supervisor. The supervisor will determine if the crash was preventable or nonpreventable and, if preventable, the approximate degree of negligence. A preventable crash is one in which the driver of the patrol vehicle failed to do everything he/she reasonably could have done to prevent it. Careful consideration should be given in determining preventability and negligence when the Officer is engaged in hazardous pursuit. If the supervisor determines the crash to be preventable, he/she shall arrange for an interview with the affected Officer at the earliest opportunity.
- (b) The Department may convene a Patrol Vehicle Crash Review Board as deemed necessary to review reports of traffic crashes involving Officers. The Review Board may be composed of Department members designated by the Chief of Police and two outside parties selected by the Mayor. After careful consideration of all the facts and evidence relative to each case, the Review Board Chairperson shall recommend to the Department such corrective action and/or disciplinary measures as the Review Board deems advisable.

## **Sec. 5-6-7 Fatal Crash Driver BAC Testing.**

### **POLICY:**

- (a) Officers of the Department shall conduct blood alcohol testing of all drivers involved in a suspected alcohol-related, fatal vehicle crash, and in other situations at the Officer's

discretion. Drivers killed in a crash are required by Sec. 346.71(2), Wis. Stats., to be tested. Surviving drivers involved in fatal crashes can be tested if there exists probable cause to suspect alcohol/drug impairment [Sec. 343.305(3)(a) and (am), Wis. Stats.], the driver is operating a commercial motor vehicle, or if conditions exist which are covered by Sec. 343.305(3)(ar), Wis. Stats.

- (b) The Department shall encourage all surviving drivers to voluntarily submit to a blood alcohol test regardless of circumstances.

***Cross-Reference:*** Section 5-15-3 OWI Procedures



## Title 5 ► Chapter 7

# Traffic Incidents Involving Hazardous Substances

### 5-7-1 Traffic Incidents Involving Hazardous Substances

## Sec. 5-7-1 Traffic Incidents Involving Hazardous Substances.

### **POLICY:**

Unless trained, no law enforcement personnel shall enter a suspected or potentially hazardous area or confined space or come in contact with any suspected or potentially contaminated item or person. Law enforcement personnel exposed to chemical contaminants shall take immediate precautions to avoid personal dangers or spreading the contaminants by seeking immediate isolation, decontamination or proper disposal of the exposed item(s).

*Cross-Reference:* Title 3, Chapter 13 Emergency Scene Management.

### **PROCEDURES:**

- (a) **Determining Approach and Parking.** The Officer shall:
- (1) Establish radio communication with all responders.
  - (2) Get as much information as possible in regard to the type of spill.
  - (3) Determine wind direction and approach scene from the same direction (up wind).
  - (4) Stop a safe distance and do not enter incident scene area.
- (b) **Visual Assessment.** Upon arriving at the scene, the Officer shall assess the following:
- (1) Injuries or other types of victims.
  - (2) Fire, explosion, ignition sources.
  - (3) Damaged chemical containers, released and migrating material.
  - (4) Emergencies.
- (c) **Ascertaining Extent of Hazardous Material from a Safe Distance.** While maintaining a safe distance from the scene, the Officer should attempt to determine the extent and types of hazardous material from the following:

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- (1) Transport vehicle placard, labels or markings (see DOT Emergency Response Guidebook).
  - (2) Transport vehicle design features.
  - (3) Material and container characteristics and use of U.S. Department of Transportation Emergency Response Guidebook for Hazardous Materials Incidents.
  - (4) Transporter or driver.
  - (5) Bill of lading or shipping papers.
- (d) **Hazardous or Potentially Hazardous Material, Chemical or Oil Spill.** If hazardous material, chemicals or an oil spill are believed to be involved, the Officer shall take the following steps:
- (1) Responding Officers shall attempt to obtain the following information:
    - a. Time the spill was observed.
    - b. Location of the spill.
    - c. Identity of material or chemical spilled.
    - d. Possible source of spill.
    - e. Volume of spill and duration.
    - f. Present and expected movement of spill.
    - g. Weather conditions.
    - h. Wind conditions.
    - i. Personnel at scene.
  - (2) Communicate to dispatcher type of material.
  - (3) Communicate to dispatcher conditions, e.g., gradient, moisture, wind, etc.
  - (4) Communicate to dispatcher suggested approach route of response vehicles.
  - (5) Request assistance from the Fire Department [see Subsection (e) below].
  - (6) Keep all persons and conveyances at a safe distance from scene (site control).
  - (7) Begin evacuation of occupied dwellings or the neighborhood, if appropriate.
  - (8) Communicate to dispatcher additional incident material and size information as necessary and pertinent.
  - (9) Request notification of appropriate agencies or private firms as deemed necessary.
- (e) **Assistance.**
- (1) Given the circumstances at the scene, the following agencies may be contacted for assistance:
    - a. Fire Department.
    - b. Hazardous material response team.
    - c. Local/County Emergency Management Director.
    - d. Wisconsin Division of Emergency Management if an exceptionally hazardous situation exists, such as one involving nuclear waste materials.

- e. Wisconsin Department of Natural Resources.
  - f. Wisconsin State Patrol.
- (2) The Chief of Police and Mayor shall be notified.
- (f) **Command Post.** The Officer at the scene shall:
- (1) Establish and identify initial command post.
  - (2) Perform duties of initial on-scene commander until properly relieved.
  - (3) Provide communications if needed.
- (g) **Chemical Information Resources.** The following guidebooks provide information regarding hazardous substances:
- (1) DOT Emergency Response Guidebook.
  - (2) NIOSH (National Institute for Occupational Safety and Health) Chemical Hazard Guidebook.
  - (3) NFPA (National Fire Protection Agency) Hazardous Material Guidebook.
  - (4) Chemtrec, 1-800-424-9300.



## Title 5 ► Chapter 8

# Departmental Vehicle Policies—Miscellaneous

<b>5-8-1</b>	Miscellaneous Vehicle Policies
<b>5-8-2</b>	Towing Services
<b>5-8-3</b>	Inventory and Cleanliness of Vehicles
<b>5-8-4</b>	General Operating Rules

### **Sec. 5-8-1      Miscellaneous Vehicle Policies.**

#### **PROCEDURES:**

The following procedures shall govern the use of Department vehicles by Department members:

- (a) Police vehicles shall carry no passengers except persons in custody, other law enforcement Officers, or other authorized persons.
- (b) Police vehicles shall not be used to push, shove or tow other vehicles.
- (c) All Officers shall be responsible to see that the interior of their police vehicle is neat and orderly at the end of their shift, including checking under and behind seats.

### **Sec. 5-8-2      Towing Services.**

#### **PROCEDURES:**

Whenever the use of a wrecker is needed at an accident scene or for any other purpose, the investigating Officer shall follow the procedures listed below:

- (a) The driver or owner of the vehicle shall be asked which wrecker service he/she prefers. The Officer/Communications Center will then call the wrecker service the motorist has requested, if reasonable. If there is no preference, the Officer/Communications Center may call the wrecker service most suitable for handling the call.

*Cross-Reference:* Section 5-14-1(e).

### **Sec. 5-8-3 Inventory and Cleanliness of Vehicles.**

#### **PROCEDURES:**

When an Officer completes his/her tour of duty, he/she shall clean out the vehicle which he/she used and remove all debris from said vehicle. Officers shall not leave food wrappers, empty cigarette packs, newspapers, pop cans, quick food wrappers, etc., in the squad cars.

### **Sec. 5-8-4 General Operating Rules.**

#### **POLICY:**

- (b) Officers shall not presume any special privileges unrelated to law enforcement with a Department vehicle while on or off duty.
- (c) Only City of Stanley Police Department personnel shall be permitted to operate Department vehicles without prior approval from a supervisor or the Chief of Police.
- (d) Officers shall not operate any Departmental vehicle while under the influence of intoxicants or after having consumed even small amounts of intoxicants unless approved by the Chief of Police or supervisor, or called out by the Chief of Police or supervisor.
- (e) Intoxicants shall not be transported in a marked police vehicle unless the intoxicants are the result of a police investigation or have been seized as evidence in an investigation and shall be transported to the Police Department or another destination as needed, i.e., court, etc.
- (f) Officers shall be responsible for the appearance and cleanliness of the interior and exterior of the police vehicle.
- (g) No unauthorized repairs or altering of the vehicle shall be made without authorization. Damage caused to a vehicle by gross negligence of an officer may be cause for disciplinary action.
- (h) Officers shall obey all related Wisconsin Statutes when operating a police vehicle unless exceptions from Section 5-2-4 apply.

## Title 5 ► Chapter 9

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# Hazardous Highway Conditions

### 5-9-1 Hazardous Highway Conditions

#### Sec. 5-9-1 Hazardous Highway Conditions.

##### DEFINITIONS:

(a) **Hazardous highway conditions** shall mean:

- (1) Defects in the roadway itself (holes, ruts, dangerous shoulder, etc.).
- (2) Lack of, or defects in, highway safety features (center and side of the road, stripping and reflectors, etc.).
- (3) Lack of, improper, damaged, destroyed or visually obstructed traffic control and informative signs (curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification).
- (4) Lack of, improperly located or malfunctioning mechanical traffic control devices.
- (5) Lack of or defective roadway lighting systems.
- (6) Natural or man-caused obstructions (fallen trees and rocks, litter, parts of vehicles, broken water mains and electrical wires, etc.).

(b) **Roadside hazard** shall refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them resulting in unnecessary damage to people or property. Roadside hazards included in this definition are:

- (1) Rigid non-yielding supports for traffic control devices and lights or the nonperformance of safety installations (i.e., breakaway sign supports that fail to function properly).

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- (2) Guard rails which may penetrate vehicles or otherwise may fail to guide a vehicle to a safer environment in the event of impact; in some cases guard rails may present hazards because they are not strong or high enough, unnecessary or improperly located.
- (3) Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway and minimize damage to the vehicle and danger to traffic below the bridge.
- (4) Gore areas, bridge abutments and other hazardous fixed objects built off the roadway into which a vehicle might crash with high injury severity.
- (5) Utility poles, trees, ditches, inappropriate steep banks, culverts, rock formations and other fixed objects in and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

**PROCEDURES:**

- (a)
  - (1) When a hazard is identified and, in the Officer's opinion, requires immediate correction (such as a fallen tree or downed electrical wire across or on any part of the traveled portion of the highway), the Officer will immediately inform the Dispatcher of this situation, of what assistance or special equipment is required and will proceed to protect the scene, protect bystanders, direct traffic or employ whatever means are necessary until the situation is corrected.
  - (2) The Dispatcher shall notify the City Department of Public Works if there is an immediate danger to life or property. The Department of Public Works should be advised that the Officer is at the scene in these instances, and they will dispatch a worker in the shortest possible time.
  - (3) During working hours, call the Department of Public Works. For times when the Department of Public Works is closed, the Dispatcher shall contact the Public Works Supervisor the official he/she has designated.
- (b) When a hazard is detected that represents a potential accident situation but the threat of such is not imminent, the Officer shall immediately make a written report with recommendations for correction and submit it to his/her supervisor as soon as possible. The investigating Officer shall immediately submit the field report to the proper agency.

## Title 5 ► Chapter 10

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# Driving While Intoxicated

<b>5-10-1</b>	Purpose and General Policy
<b>5-10-2</b>	Indicators of OWI
<b>5-10-3</b>	OWI Procedures

### **Sec. 5-10-1 Purpose and General Policy.**

#### **POLICY:**

- (a) This policy applies equally to drivers under the influence of alcohol and under the influence of a controlled substance.
- (b) The Officers of this Department will try to apprehend every person who is driving under the influence of alcohol or controlled substances as described in Chapter 346.63, Wis. Stats.
- (c) Drivers are arrested to achieve three (3) goals:
  - (1) To remove safety hazards from the road;
  - (2) To deter people from misusing alcohol or controlled substances in conjunction with driving; and
  - (3) To alert appropriate agencies to the fact that an individual may need help to control his/her consumption of alcohol or controlled substance.

#### **DEFINITIONS:**

The following definitions shall be applicable in this Chapter:

- (a) **Blood Alcohol Concentration (BAC).**
  - (1) Breath alcohol units of grams/two hundred (200)L.
  - (2) Blood units of grams/one hundred (100)MLS.
- (b) **Controlled Substance.** A substance so defined by Chapter 961, Wis. Stats.

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- (c) **OWI.** Operating a motor vehicle while under the influence of an intoxicant or controlled substance.

**Sec. 5-10-2 Indicators of OWI.**

**POLICY:**

Especially during the late evening and early morning hours, the following driving deviations and behaviors should alert the Officer to the possibility that an arrest for OWI should be made:

- (a) Failing to dim headlights to oncoming traffic.
- (b) Failing to light headlights.
- (c) Speeding.
- (d) Driving too slowly.
- (e) Driving over the center line.
- (f) Driving on the shoulder or off the roadway.
- (g) Parking on the roadway.
- (h) Violating a one-way street marking.
- (i) Violation of a stop sign or traffic signal.
- (j) Failing to yield the right-of-way.
- (k) Driving with an open window during very cold weather.
- (l) Varying speed and direction frequently.
- (m) Becoming involved in an accident and displaying slurred speech and/or lack of consideration.
- (n) Committing a traffic offense.

## Sec. 5-10-3 OWI Procedures.

### PROCEDURES:

- (a) **Arrest for OWI.** The Officer shall stop a driver suspected of OWI as soon as the Officer has obtained evidence that the driver is impaired in the operation of his/her vehicle.
- (b) **Test for Impairment.**
  - (1) After stopping a driver, unless the driver is clearly not in control of his/her faculties or has sustained an injury, the Officer shall perform short field sobriety tests for balance, vision, and coordination before making an arrest decision.
  - (2) An arrested driver will be taken to the station and given the *Miranda* warning before being asked any questions. Tests of coordination shall be reported on the alcohol influence report.
- (c) **Measuring BAC and Implied Consent Notice.**
  - (1) In most cases, the arresting Officer shall try to obtain a measure of BAC by asking the driver to submit to a test(s) as follows:
    - a. A blood test is preferred as the first option.
    - b. A breath test is the second preferred option.
  - (2) Before asking the driver to submit to a test for determining BAC, the arresting Officer shall read Wisconsin's current "Informing the Accused" form, sign it and give a copy to the arrested party.
  - (3) For all offenses, a blood test will be the Department's primary test. The breath test will be the secondary or alternative test. If the subject refuses to allow blood to be taken, it can then be taken as evidence of a crime:
  - (4) For third (3rd) and subsequent offenses the prohibited alcohol content is .08%. In these cases the blood test will be the Department's primary test. The breath test will be the secondary or alternative test. If the subject refuses to allow blood to be taken, it can then be taken as evidence of a crime.
    - a. Absolute sobriety is a condition for an occupational license for second (2nd) and subsequent offenses.
    - b. Individuals charged with fifth (5th) or subsequent offenses shall be placed on a twelve (12) hour hold (mandatory) and brought before the court for the setting of bail.
  - (5) A warrant must be obtained for non-consent blood draw situations. No warrant is necessary if the party gives his/her consent.
  - (6) For OWI accidents causing injury or when the Officer suspects drugs (whether prescription or not) may be involved, the Officer should make the blood test the

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primary test. Demand blood in situations where an individual refuses to provide a sample and the Officer has a reasonable articulable suspicion that intoxicating substances may be involved exists.

(d) **BAC Measured by Blood Test.**

- (1) Blood may be withdrawn for the purpose of determining BAC only by a physician or by a person acting under the direction of a physician.
- (2) The Department's alternative test will be:
  - a. Intoximeter (or similar testing equipment); or
  - b. Urine test.

(e) **Unconscious Driver.** If the driver is unconscious and the Officer reasonably believes the driver has been operating a motor vehicle while intoxicated, the Officer shall obtain a search warrant for a sample of the individual's blood.

(f) **Refusal to Comply is Not a Crime.** If an arrested driver refuses to take a test for BAC, the Officer shall note the refusal on the alcohol influence report and note any reasons given, including refusal upon advice of counsel. The Officer will again inform the driver of the more severe penalty the driver may be facing because of his/her refusal. A refusal form will be completed and sent to the State of Wisconsin.

***Cross-Reference:*** Section 5-6-8 Fatal Crash Driver BAC Testing

# Title 5 ► Chapter 11

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## Silent Runs

### 5-11-1 Silent Run Situations; Emergency Vehicle Operations

#### **Sec. 5-11-1 Silent Run Situations; Emergency Vehicle Operations.**

##### **POLICY:**

- (a) A law enforcement Officer operating a police vehicle shall otherwise comply with the requirements of Sec. 346.03(3), Wis. Stats., relative to the giving of audible and visual signals, but may exceed the speed limit without giving an audible and visual signal ("silent runs") under the following circumstances:
  - (1) If the Officer is obtaining evidence of a speed violation.
  - (2) 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:
    - 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.
- (b) Before deciding to engage in a silent run pursuit of actual or suspected violators, the Officer shall consider the following factors:
  - (1) Road conditions;
  - (2) Density of population;
  - (3) Severity of the crime; and
  - (4) Necessity of pursuit by vehicle.

- (c) The exemptions granted the operator of an authorized emergency vehicle by this Section and Sec. 346.03, Wis. Stats., 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 reckless disregard for the safety of others.

**COMMENTARY:**

- (a) Section 346.03, Wis. Stats., reproduced as follows, prescribes when statutory rules of the road are applicable to emergency vehicle operation:

**346.03 Applicability of rules of the road to authorized emergency vehicles.**

- (1) 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, may exercise the privileges set forth in this section, but subject to the conditions stated in subs. (2) to (5).
- (2) The operator of an authorized emergency vehicle may:
  - (a) Stop, stand or park, irrespective of the provisions of this chapter;
  - (b) Proceed past a 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 specified directions.
- (3) The exemption granted to 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. The exemptions 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).
- (4) A law enforcement Officer operating a police vehicle shall otherwise comply with the requirements of sub. (3) relating 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:

1. Knowledge of the Officer's presence may endanger the safety of a victim or other person.
  2. Knowledge of the Officer's presence may cause the suspected violator to evade apprehension.
  3. 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.
  4. 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. The exemptions granted to 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.
  6. Every law enforcement agency which uses authorized emergency vehicles shall provide written guidelines for its Officers and employes 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 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.
- (b) Section 347.25, Wis. Stats., reproduced as follows, prescribes what warning lights must be used on emergency vehicles:

**347.25 Special warning lamps on emergency vehicles, school buses and funeral vehicles.**

- (1) Except as provided in subs. (1m)(a) and (1s), an authorized emergency vehicle may be equipped with one or more flashing, oscillating or rotating red lights, except that ambulances and fire department equipment may be equipped with red and white lights, and shall be so equipped when the operator thereof is exercising the privileges granted by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and understandable from a distance of 500 feet both during normal sunlight and during hours of darkness. No operator of an authorized emergency vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.
- (1m)(a) A police vehicle under s. 340.01(3)(a) may be equipped with a blue light and a red light which are flashing, oscillating or rotating.

- (b) If the vehicle is so equipped, the lights shall be illuminated as required under s. 346.03 when the operator of the police vehicle is exercising the privileges granted under that section. On a marked police vehicle, the blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. When in use on an unmarked police vehicle, the blue light shall be displayed on the passenger side of the vehicle and the red light shall be displayed on the driver side of the vehicle. The lights shall be designed and displayed so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.
  - (c) If the state or any local authority intends to equip its police vehicles as authorized under par. (a), the state or the local authority shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before so equipping the first vehicle.
- (1s) A vehicle in use by a fire department as a command post at the site of an emergency call may be equipped with a green light which is flashing, oscillating or rotating.
  - (2) No person may operate a school bus which is painted as provided in s. 347.44 unless it is equipped with flashing red signals. In addition to the flashing red signals, the school bus may be equipped with a 360-degree flashing white strobe light with a flashrate of 60 to 120 per minute. The secretary shall prescribe rules for the type, installation, operation and light output brilliance of the signals and lights required or permitted under this subsection. No vehicle may be equipped with such flashing red signals or flashing red signals and a strobe light unless it also is painted as provided in s. 347.44.
  - (3) The lead vehicle in a funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession.
  - (4) No vehicle may be equipped with or display any blue colored light or lamp unless the vehicle is used in police work authorized by the state or a political subdivision of the state or is used by a fire department as authorized under sub. (1s).
- (c) The Wisconsin Supreme Court in *Pittman v. Lieffring*, 59 Wis. 2d 52, 207 N.W.2d 610, ruled that the burden is on the operator of an emergency vehicle to prove that the warning light met the requirements. A light showing only to the front would not provide the operator with emergency privileges for stopping, parking or turning as to vehicles approaching from the rear.

## Title 5 ► Chapter 12

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### **Motorist Assists**

#### **5-12-1**      Vehicle Lockout Procedures

#### **Sec. 5-12-1**    **Vehicle Lockout Procedures.**

##### **PROCEDURES:**

- (a) An Officer will be dispatched to the location of the vehicle lockout.
- (b) It will be the responsibility of the Officer to verify that the person requesting the vehicle to be opened is authorized to do so.
- (c) The Officer shall inform the person that there is the possibility of damage to the vehicle and that the City of Stanley will assume *no liability* and the Police Department will open the vehicle at *the private party's* risk only. (Note: Although the Department will attempt to unlock electronic locks upon the request of a motorist, it is generally preferred that such work be performed by an automotive repair shop. If the person does not agree to accept the risk, he/she should be advised to contact a locksmith.
- (d) The owner or authorized party in control of the vehicle will be required to complete a "Release of Liability" form, relieving any officer of this Department from any potential liability that may result from damage(s) sustained to the vehicle while the lockout effort is attempted.



## Title 5 ► Chapter 13

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# Citizen Ride-Along Program

### 5-13-1 Citizen Ride-Along Program

#### **Sec. 5-13-1 Citizen Ride-Along Program.**

##### **POLICY:**

As part of public awareness and relations, the City of Stanley Police Department may authorize ride-alongs with officers under appropriate circumstances, for legitimate purposes, with prior approval of a supervisor or the Chief of Police. Priority will be given to those citizens who are considering a law enforcement career and/or have enrolled in a law enforcement course.

##### **PROCEDURES:**

- (a) Ride-alongs will not be allowed without prior consent and approval of the Chief of Police.
- (b) Requests for ride-alongs shall be in written form, submitted to a supervisor or the Chief of Police, and shall specify the date and time of the requested ride-along and shall be submitted prior to the request date. The date on the request form is the only date authorized unless otherwise stated on the form. Requests may be renewed at the discretion of a supervisor or the Chief of Police and upon completion of the ride-along are considered invalid unless renewed.
- (c) Officers shall make every effort to accommodate ride-alongs and will promote the City of Stanley Police Department and its personnel in a positive manner.
- (d) Officers will not expose observers to unnecessary danger and will make clear to the ride-along that they are not to participate or interfere, only to observe. In the event that an officer is dispatched to, witnesses, or is otherwise made aware of a situation which, in its nature, is a potentially high risk situation, the observer will be dropped off or ordered to a safe location. As soon as the situation allows, the ride-along will be picked up by the officer and the program will continue.
- (e) Observers are not to engage in any police activity unless expressly directed to do so by the officer.

**5-13-1**

- (f) Observers and officers will be expected to conduct themselves in a proper manner at all times. Failure to obey the directions of the officer, inappropriate actions or language shall be grounds for immediately terminating the ride-along at the discretion of the officer.
- (g) Officers terminating ride-alongs will file a complete report on the incidents and reasons for the termination to a supervisor or the Chief of Police.
- (h) Observers will not be armed with any manner of weapon, unless prior approval is given by a supervisor or the Chief of Police. Only certified/sworn officers shall be considered for authorization to carry any weapons.
- (i) Use of private party cameras and recording equipment by the ride-along observer must be authorized in advance by a supervisor or the Chief of Police.
- (j) Observers shall sign a Department waiver of liability form.

## Title 5 ▶ Chapter 14

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# Abandoned Vehicles, Vehicles in Hazardous Condition and Custodial Care of Vehicles of Arrested Persons

**5-14-1** Department Handling of Abandoned Vehicles, Vehicles in Hazardous Condition and Custodial Care of Vehicles of Arrested Persons

### **Sec. 5-14-1 Department Handling of Abandoned Vehicles, Vehicles in Hazardous Condition and Custodial Care of Vehicles of Arrested Persons.**

#### **POLICY:**

- (a) **Purpose and General Policy.** The purpose of this policy is to create a procedure that will clearly designate the responsibility and accountability of the Police Department in the handling of abandoned vehicles, vehicles in hazardous condition and custodial care of vehicles of arrested persons.
- (b) **Authority to Tow Motor Vehicle.** Law enforcement officers have authority to tow a motor vehicle under the following circumstances:
  - (1) When any vehicle is left unattended upon any bridge, viaduct, or tube where such vehicle constitutes an obstruction to traffic.
  - (2) When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the persons in charge of the vehicle are by reason of physical injury incapable to such an extent as to be unable to provide for its custody or removal.
  - (3) When any vehicle is left unattended upon a street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
  - (4) When a vehicle is found being driven upon the street or highway and it is not in proper condition to be driven.
  - (5) When a vehicle is left unattended upon a street or highway continuously for more than twenty-four (24) hours and may be presumed to be abandoned

**5-14-1**

- (6) When the driver of such vehicle is taken into custody by an Officer and such vehicle would thereby be left unattended upon the street or highway.
- (7) When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons.
- (8) When a vehicle is found parked in a "no parking" zone designated by a governmental authority and so marked with proper signs and marking.

**PROCEDURES:**

- (a) **Abandoned/Stolen Vehicles.** Officers dealing with a suspected abandoned/stolen vehicle shall:
  - (1) Contact the National Crime Information Center (NCIC) and check to determine status of the operator and vehicle.
  - (2) Determine if the vehicle is to be held for evidentiary purposes.
  - (3) If the vehicle is not being held for evidentiary purposes, contact the owner.
  - (4) If the vehicle is stolen, have the vehicle towed to a secure area.
  - (5) Inventory and log all property found within abandoned/stolen vehicles, including:
    - a. Year and make of vehicle.
    - b. Vehicle or engine number.
    - c. Style of body and color.
    - d. Year of and license number.
    - e. Place of abandonment.
    - f. State of license.
    - g. Time and date taken into custody.
    - h. Location where vehicle is held.
    - i. Name of informant, if any.
- (b) **Vehicles of Physically Arrested Persons.** In the event the driver or owner of a vehicle is arrested, the vehicle shall be handled in the following manner:
  - (1) If permission is obtained from the owner or driver, and the personnel are available, the vehicle may be driven to secured area.
  - (2) If permission is not obtained from the owner or driver, a towing service shall be called to remove the vehicle to a secure area.
  - (3) The vehicle may be released to a responsible person designated by the arrestee after proper ownership has been established, and if the vehicle is not needed for evidence.
  - (4) Disposition of the vehicle shall be properly recorded at the Police Department headquarters.

(c) **Unlawfully Parked Vehicles.**

- (1) Vehicles parked unlawfully on private property, streets, or highways may be removed in accordance with Secs. 342.40 and 349.13(3), Wis. Stats.
- (2) Towing charges shall be reimbursed in accordance with Sec. 342.40(3)(b), Wis. Stats.

