

BELMONT POLICE DEPARTMENT

MOTOR VEHICLE PURSUIT 2.14

PURPOSE:

To establish guidelines for making decisions with regard to pursuits, balancing the obligation of police officers to enforce laws and apprehend violators with the need to protect lives. Also, to identify responsibilities for vehicle pursuits requiring emergency operation of Belmont Police Department vehicles.

BACKGROUND:

Vehicular pursuits are sometimes necessary to effectuate the enforcement of criminal and motor vehicle laws. Many of these pursuits are inherently dangerous and therefore create some risk of injury to the pursuing officer(s), the occupant(s) of the pursued vehicle and the public at large. This policy also recognizes that vehicular pursuits do not automatically occur when officers activate their emergency warning equipment in an attempt to effectuate a lawful motor vehicle stop. Motorists occasionally may not immediately see or hear an officer's emergency warning equipment, or may not realize that they are the target of the officer's efforts. Officers may be required to follow a motorist with emergency warning

equipment activated for a significant distance before that motorist actually stops the vehicle. Consequently, an officer's lawful attempt to stop a motorist is not considered a vehicular pursuit subject to the requirements and restrictions of this policy unless and until such time as the officer reasonably believes that the motorist is intentionally ignoring the officer or actively attempting to elude the officer.

POLICY:

Emergency operations of department vehicles shall be conducted in strict accordance with existing statutes, rules and procedures.

Vehicle pursuit is one of the most dangerous duties a police officer must perform. When a decision to pursue is made, the safety of all concerned must be considered. The seriousness of the offense must be weighed against the hazards of the health and welfare of citizens who might be affected by the chase. During the pursuit, continuous balancing of the seriousness versus safety is mandatory.

The Department expects an officer, or his/her supervisor, to terminate a pursuit whenever the risks to the safety of the officers or citizens outweigh the danger to the community if the offender is not caught. **[41.2.2(h)]**

No task is of such importance as to justify the reckless disregard of the safety of innocent persons. The principles of safety shall not become secondary.

The responsibility for the decision to overtake or pursue another vehicle rests on the individual officer. In arriving at his decision he/she must carefully consider all factors involved and the possible consequences. To diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when possible, be within close proximity to the vehicle before activating emergency lights and siren.

DEFINITIONS:

Vehicular Pursuit: An active attempt by an officer in an authorized police vehicle, with emergency warning equipment activated, to apprehend one or more occupants of another moving vehicle, when the officer reasonably believes that the operator of the other moving vehicle is resisting apprehension

by increasing the vehicle's speed or using other evasive tactics such as driving off the roadway, sudden or unexpected movements or willfully failing to yield to a signal to stop.

Primary Pursuing Unit: The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

Terminate Pursuit: The officer will deactivate audible and visual emergency warning equipment (emergency lights and siren) and resume a safe speed.

PROCEDURE:

The policy of the Belmont Police Department shall be to limit the use of vehicle pursuits to those situations that involve:

- **The attempted apprehension of persons wanted for the commission of felonious acts that threaten, have threatened, or will threaten the health, life or safety of a person or persons.**
- **The attempted apprehension of a motor vehicle operator who has committed flagrant violations and was operating**

in a reckless manner before the pursuit was initiated and continues to operate in a reckless manner that endangers the lives and safety of others.

Officers engaged in emergency vehicle operations shall use audible and visual emergency warning equipment (emergency lights and siren).

NOTE: The intention of this policy is to limit the use of vehicular pursuits to the most serious of circumstances, thereby effectively limiting the exposure of officers, suspects and citizens to the possible serious consequences of vehicular pursuits.

Vehicular pursuit is clearly inappropriate and will not be authorized when the pursuit itself has a higher potential for serious injury or loss of life than does the threat posed by the escape of the suspect.

GUIDELINES: [41.2.2(a)]

Each officer must use their discretion using the guidelines in this policy and procedure in determining whether or not to commence a pursuit and how to conduct the pursuit once it has been initiated.

Some factors to be considered when determining whether to initiate, continue, or terminate a pursuit are:

- Time of day- Vehicular pursuits occurring at a time when there is a high level of business, school or other activities are deemed to be more hazardous than those occurring during periods of low activity.
- Volume of vehicular traffic- Pursuits occurring during periods of heavy traffic flow are deemed to be more hazardous than those occurring at off-peak hours.
- Location of pursuit- Pursuits through residential areas, business districts or along streets near to or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
- Weather conditions- Environmental factors such as rain, snow, fog or darkness substantially increase the danger of pursuit.
- Road conditions.

- Speed involved.
- Nature of the charges.
- Volume of pedestrian traffic.
- Police vehicle capabilities.
- Quality of radio communications.

Once made, the decision to pursue is not irrevocable. It is often better to abandon a pursuit where the risk of danger to the officer or the public is high, or weather or road conditions are poor.

RESPONSIBILITY OF THE OFFICER INITIATING THE PURSUIT [41.2.2(b)]

1. The responsibility for the decision to initiate pursuit rests with the individual officer. The officer shall, in all cases, activate emergency lights and siren and notify the Communications Center that a pursuit is underway and provide the following information:

- police unit identification;
- location, speed and direction of travel, with continuous updates;
- suspect vehicle description including license number, if known;

- the specific reason for the pursuit, including known laws violated;
- number and description of occupants;
- ongoing status of the pursuit at regular intervals;
- when the pursuit is nearing the town line and potentially entering another jurisdiction;
- when switching to another radio frequency.

2. Failure to provide sufficient information will be cause for the supervisor to order termination of the pursuit.

3. The pursuing officer shall adhere to all the requirements of MGL Chapter 89, section 7B and all other applicable case law at all times during the pursuit.

4. The primary unit may maintain pursuit as long as it is safe to do so; until directed to terminate the pursuit by a supervisor; the suspect is stopped; or a reasonable distance has been

covered which may indicate the futility of continued pursuit.

5. The decision to abandon pursuit may be the most intelligent course of action. A pursuing officer must constantly question whether the seriousness of the offense justifies continued pursuit. **In any case, a pursuit shall terminate under any of the following circumstances:**

- if, in the opinion of the pursuing officer or a supervisor, there is a clear and unreasonable danger to the officer or others created by the pursuit which outweighs the necessity for immediate apprehension;
- the suspects identity has been established so that later apprehension can be accomplished and there is no longer a need for immediate apprehension;
- the prevailing traffic, roadway and environmental conditions dictate the futility of continued pursuit;

- the pursued vehicle's location is no longer known; or,
- when there is an equipment failure involving emergency lights, siren, radio, brakes, steering or other essential mechanical equipment.

6. When terminating a pursuit, the officer will turn off the vehicle's emergency lights and siren, advise Communications that he/she is terminating pursuit and the last known location and direction of travel of the suspect vehicle.
7. Termination of a pursuit does not necessarily prohibit the following of a vehicle at a safe speed or remaining in an area to re-initiate pursuit if the opportunity and conditions permit.
8. File any and all reports required relating to the pursuit.

ASSISTING UNIT RESPONSIBILITY
[41.2.2(c)]

1. Assistance will be coordinated by the Communications Center under the direction of the supervisor. The

supervisor and primary unit will be advised of the identity and locations of units who can assist.

2. An active pursuit will normally consist of no more than two units actively pursuing a vehicle. Caravanning is not allowed. The secondary vehicle may follow the initial pursuit vehicle to act as a backup. The secondary unit shall follow at a safe distance so as to allow ample reaction time in order to reduce the possibility of officer-involved accidents.
3. Only the supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate unless specifically authorized to do so.
4. An authorized assisting unit shall immediately notify the Communications Center of its identity upon joining the pursuit.
5. If the primary unit is a one-man car the assisting unit may assume radio communications responsibility allowing the primary to devote full attention to driving.

6. Any assisting unit shall adhere to all the requirements of MGL Chapter 89, section 7B and all applicable case law at all times during the pursuit.

7. If the primary unit becomes disabled, the assisting unit will become the primary unit. A new backup unit may be authorized by the supervisor.

8. File any reports as requested by the OIC relating to the pursuit.

COMMUNICATION CENTER RESPONSIBILITIES [41.2.2(e)]

1. Receive, repeat, and properly record all incoming information on the pursuit, the pursued vehicle(s) and occupant(s).
2. Immediately notify the patrol supervisor, who shall assume command of the pursuit, when a pursuit is initiated.
3. Clear the radio channel of unnecessary traffic, advise other units that a pursuit is in progress and broadcast relevant information.
4. Perform relevant records and motor vehicle checks.

5. Control all radio communication during the pursuit and continue to monitor radio traffic until pursuit is terminated.

6. Coordinate assistance under the direction of the supervisor.

7. Notify, as soon as practical, outside agencies if the pursuit enters their jurisdiction.

**PATROL SUPERVISOR
RESPONSIBILITY [41.2.2(f)]**

1. Upon being notified of a pursuit, the patrol supervisor will verify the following:

- no more than the necessary units are involved;
- the proper radio frequency and procedures are being utilized; and,
- any affected agencies are being notified.

2. The patrol supervisor will direct the pursuit, approve or order alternative tactics, and maintain control until the pursuit is terminated.

3. Remain within town limits to provide proper supervision unless the

patrol supervisor is the primary unit. If the patrol supervisor is the primary unit the Shift Commander will take command of the pursuit and assume the patrol supervisor's responsibilities.

4. In the absence of adequate information from the primary or backup unit, the supervisor will terminate the pursuit.

5. Ensure that all units involved do, in fact, terminate a pursuit upon an order to do so and return to their assigned areas.

6. If the pursuit terminates in Belmont, the patrol supervisor will proceed to the termination point to provide supervision and guidance.

7. Ensure that all necessary reports relating to the pursuit are filed.

**RESPONSIBILITIES OF THE SHIFT
COMMANDER [41.2.2(f)]**

An officer not immediately involved in the pursuit is often in a better position to objectively oversee it and decide whether the pursuit should be continued and under what circumstances.

Therefore, upon learning of a vehicular pursuit in progress, the Shift Commander shall:

- Monitor radio communication regarding the pursuit;
- Ensure all department procedures are being followed by the telecommunicators, pursuing officer(s) and the patrol supervisor;
- Make necessary notifications as required for a major incident;
- Assess the information available and order the termination of the pursuit when, in his/her opinion the dangers created by the pursuit outweigh the need for immediate apprehension of the suspect(s).

**PURSUIT INITIATED BY ANOTHER
POLICE AGENCY [41.2.2(i)]**

1. An Belmont Police unit may become directly involved in a pursuit

initiated by another agency while it remains in Belmont if authorized by the patrol supervisor. If exigent circumstances exist, and a request is made by the initiating agency for an Belmont unit to continue outside of Belmont, authorization to do so must be received from the patrol supervisor.

2. If an Belmont unit joins the pursuit, it will act as the secondary or backup unit to the primary unit. The relevant guidelines described in this procedure for the assisting unit will apply.

**COMMUNICATIONS RESPONSIBILITY
FOR ANOTHER POLICE
AGENCY[41.2.2(e)]**

1. Monitor the progress of the pursuit and relay relevant information to the field units.

2. If the pursuit terminates in our jurisdiction, ensure that necessary police and other assistance is dispatched.

**SUPERVISOR'S RESPONSIBILITY IN
PURSUIT BY ANOTHER
AGENCY[41.2.2(f)]**

1. Closely monitor the pursuit while it is in our jurisdiction to ensure that adequate assistance is provided.

2. Ensure that Police units do not continue the pursuit once it has passed out of town unless necessary to assist the pursuing unit.

OUT OF JURISDICTION PURSUIT [41.2.2(i)]

Involvement in vehicle pursuit will begin within the town limits and terminate once the pursued vehicle exits the Town of Belmont unless otherwise designated by the patrol supervisor. Only the unit(s) designated by the patrol supervisor may continue out of town.

When a pursuit approaches a town line and the circumstances indicate that it will enter that town, the Shift Commander or telecommunicator, as directed by the Shift Commander, shall contact the police agency in that jurisdiction, as well as the State Police, and request assistance.

Out of State Pursuit:

No officer shall pursue any person or vehicle into another state's jurisdiction for a misdemeanor, **including** motor vehicle violations and Use without Authority violations.

An officer in pursuit of a person who has committed a felony may cross a state line, if approved by the Patrol

Supervisor. Only the unit(s) approved by the Patrol Supervisor shall continue and contact will be made with the police agencies having jurisdiction as above. If the vehicle is stopped out of state, the officer shall contact the Shift Commander and affect the arrest if possible. When the arrest is made the officer shall request the assistance of the police agency having jurisdiction. The prisoner shall then be transported to the proper detention center in that jurisdiction for processing.

VEHICLE OPERATIONS, TACTICS, LIMITATIONS AND PROHIBITIONS

1. **Traffic Violations:** Pursuits for minor traffic violations are prohibited.

2. **Property Crimes:** Pursuits for property crimes will be based on the seriousness of the crime weighed against the danger to life posed by the offender and the danger posed by the pursuit itself.

3. **Motorcycles:** Motorcycles are prohibited from engaging in a pursuit except when the offender presents an immediate and direct threat to life. The motorcycle will withdraw from active pursuit when a marked unit becomes

available to take over the pursuit.

[41.2.2(d)]

4. **Offensive Tactics:** During the course of a pursuit, deliberate contact between vehicles; forcing the offender into parked cars, ditches, or any other obstacle; boxing in or heading off; ramming; or driving along side the pursued vehicle while it is in motion shall be prohibited unless such actions are specifically approved by the supervisor. Such tactics may be approved only when the use of deadly force would be authorized. Reckless or hazardous driving maneuvers of the pursued vehicle shall not be duplicated by any pursuing unit. **[41.2.2(g)]**

5. **Civilian Ride-Along:** No unit will engage in a pursuit when accompanied by a civilian ride-along.

6. **Unmarked Police Vehicles:** Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in a pursuit only when the offender presents an immediate and direct threat to life. The unmarked car will withdraw from active pursuit when a marked unit becomes available to take over the pursuit. **[41.2.2(d)]**

7. **Caravanning:** There shall be no caravanning by units not directly involved in the immediate active pursuit.

8. **Passing:** Passing another pursuing police vehicle in a pursuit is prohibited.

9. **Spacing:** All units in a pursuit shall space themselves at a distance that will ensure proper braking and reaction time for any sudden or unexpected maneuvers.

10. **Controlled Access Highway:** Units shall not pursue offenders the wrong way on any interstate or other controlled access highways, divided highways or ramps.

11. **Emergency Equipment:** No officer will continue a pursuit if the emergency equipment on the unit ceases to function properly.

12. **Collisions:** No officer will continue a pursuit if his unit becomes involved in a traffic collision unless the collision is with the pursued vehicle and no other police unit is available to assume control.

13. **Tire Deflation Devices:** Tire Deflation Devices (such as "stop-sticks)

may be used in certain circumstances to reduce the speed and duration of pursuits in order to reduce the risk of injury to persons and/or damage to property. They may only be authorized by a supervisor and deployed by an officer trained in their use. They shall be used in accordance with the officer's training and the manufacturer's guidelines for use. **[41.2.2(g)]**

14. **Roadblocks:** . Generally, a roadblock will be employed only as a last resort. The use of roadblocks must be authorized by a supervisor. Roadblocks may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the operator and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle. This tactic may not be utilized when tire deflating devices are a viable option. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. No officer shall remain in a cruiser or vehicle parked as part of a roadblock. The roadway shall not be completely blocked unless the use of deadly force would be authorized. **[41.2.2(g)]**

REPORTING AND CRITIQUE

1. At the conclusion of a pursuit, the primary officer will complete an incident report detailing the circumstances. The supervisor involved shall file a supplemental report as well.

[41.2.2(j)] These reports will be forwarded to the Assistant Chief who will review the circumstances surrounding the incident and forward a written report to the Chief of Police. This report will contain:

A review of the facts surrounding the incident as it relates to adherence to Department policy and procedure, and

a finding and recommendation in those circumstances where there are deviations from policy and procedure. **[41.2.2(j)]**

2. The Assistant Chief shall annually analyze all pursuit reports for the previous year. A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. He/She shall implement modifications to this procedure if warranted. **[41.2.3]**