

	<p style="text-align: center;"><b>BOLTON POLICE DEPARTMENT</b></p>	<p style="text-align: right;"><b>POLICY NO. 1.04</b></p>
<p>Subject:</p> <p style="text-align: center;"><b>VEHICULAR PURSUITS</b></p>		
<p style="text-align: center;">MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>41.1.3; 41.2.2; 41.2.3</b></p>		<p>DATE OF ISSUE:10/12/2017</p>
<p style="text-align: center;">ISSUING AUTHORITY:</p> <p style="text-align: center;">Warren E. Nelson, Jr. Chief of Police</p>		<p>EFFECTIVE DATE:10/12/2017</p> <p>REVISION DATE:</p>

## POLICY

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 policy of this Department to regulate the manner in which vehicular pursuits are undertaken and performed and that vehicular pursuits are authorized when the need to apprehend a fleeing suspect in a motor vehicle outweighs the risk created by the pursuit.

## PROCEDURES

### I. DEFINITIONS

- A. **Authorized Police Vehicle:** Any department-issued vehicle, the use of which is authorized by a superior officer, equipped with operable emergency warning equipment. For the purposes of this policy, an authorized police vehicle shall include marked and unmarked police cruisers only, and shall not include motorcycles, bicycles, animal control vehicles, prisoner transport vehicles, and other such police vehicles.
- B. **Primary Unit:** An authorized police vehicle that is the first vehicle behind the pursued vehicle.

- C. **Secondary Unit:** An authorized police vehicle that is actively involved in the pursuit behind the primary unit as backup.
- D. **Supervisor:** The supervisor or command staff member in-charge of the pursuit.
- E. **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 driver of the other moving vehicle is resisting apprehension by increasing the vehicle's speed, intentionally ignoring the officer, or otherwise attempting to elude the officer.

## II. PURSUIT DECISIONS

- A. An officer may, within the posted speed, engage in a pursuit of any motor vehicle operating in conformance with posted speed limit and other traffic laws, under any circumstance justifying a lawful motor vehicle stop.
- B. No officer shall engage in a vehicular pursuit that requires the officer to exceed the posted or applicable speed limit or that involves a target vehicle operating in violation of the posted or applicable speed limit or other traffic laws unless **the officer reasonably believes:**
1. That **the continued operation of the vehicle or the occupant(s) of the vehicle** the officer intends to stop poses a **significant risk of physical harm** to the officer, the public, or others; or
  2. That the occupant(s) of the vehicle is/are wanted for the commission of **specific felonious acts involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.**
- C. For an officer to be authorized to engage in a vehicular pursuit requiring or involving the violation of the posted speed limit or other traffic laws, the officer should consider the following factors, when practicable: **[41.2.2 (a)]**
- Severity of the crime/offense believed to have been committed;
  - Nature and degree of the threat to public safety;
  - Alternatives to the pursuit;
  - Whether the identities of the occupants are known;
  - Population density;
  - Nature of the area;
  - Officer's familiarity with the area;

- Road and weather conditions;
  - Time of day;
  - Speeds involved;
  - Driving skills of the officer and performance capabilities of the pursuit vehicle and the vehicle being pursued;
  - Operational status of emergency warning equipment;
  - Quality of radio communications; and
  - The presence of other persons in the pursued vehicle.
- D. No officer shall initiate or continue a pursuit on a divided highway opposite the direction of the flow of vehicular traffic.
- E. Officers should take alternative measures to pursuit for non-hazardous violators.

### III. PURSUIT OPERATIONS GENERALLY

- A. Upon engaging in a pursuit, the primary unit and secondary unit (if applicable) shall activate all emergency lights, flashers and siren which shall remain activated during the duration of the pursuit.
- B. The primary unit shall notify the dispatcher or communications center of the location, direction and nature of the pursuit, the description of the pursued vehicle, the reason for the pursuit and, if practicable, the estimated speeds of the vehicles. The officer should keep the dispatcher or communications center updated on the pursuit at regular intervals.
- C. When engaged in a pursuit, officers shall exercise **due care for the safety of the public and shall comply with all of the provisions of G.L. c. 89, sections 7 and 7B, and G.L. c. 90, section 16.**
- D. An authorized unmarked police vehicle shall relinquish primary unit status immediately upon becoming aware of the participation of an authorized marked police vehicle. [41.2.2 (d)]
- E. Unless specifically authorized by a supervisor (Patrol Supervisor or Officer-in-Charge), no officer (other than the officers in the primary and secondary unit) shall engage in the main pursuit or pursue on parallel streets.
- F. No officer shall participate in a pursuit with a civilian or a detainee present in the authorized police vehicle under any circumstances. [41.1.3 (a); 41.2.2 (d)]
- G. No officer or employee operating a privately owned vehicle or any specialized vehicle requiring specific training prior to being authorized to operate that vehicle

such as a Department motorcycle, or bicycle will participate in a vehicular pursuit.  
[41.1.3 (a); 41.2.2 (d)]

#### IV. RESPONSIBILITIES OF THE SUPERVISOR [41.2.2 (f)]

- A. Upon becoming aware of the pursuit, the supervisor, shall evaluate the **totality of the circumstances** and decide, as quickly as possible, whether or not the pursuit should continue pursuant to the criteria of this policy.
- B. If the supervisor concludes that a pursuit should continue, [s]he shall monitor incoming information and coordinate activities as needed to ensure that proper procedures are followed.
- C. A supervisor may authorize officers (in authorized police vehicles) in addition to the primary and secondary units, to engage in the pursuit and/or a parallel pursuit, in exceptional circumstances or if the supervisor reasonably believes that there is a substantial likelihood of serious physical injury or death should additional officers not participate.
- D. The supervisor **shall continually reevaluate** the need to continue the pursuit.
- E. The supervisor is **vested with the authority to terminate the pursuit, at any time, especially when [s]he believes that the foreseeable risks to the pursuing officers and to the public, arising from the continued pursuit, are greater than the foreseeable threat to public safety should the pursued vehicle be allowed to escape.** [41.2.2 (g)]
- F. The supervisor may authorize the resumption of a pursuit when [s]he believes that **circumstances have changed**, thereby warranting the resumption of the pursuit in accordance with the criteria of this policy.
- G. **A supervisor shall respond** to the location where a vehicle has been stopped following a pursuit.

#### V. RESPONSIBILITIES OF THE PRIMARY & SECONDARY UNITS

- A. **PRIMARY UNIT** [41.2.2 (b)]
  - 1. Subject to the direction of a supervisor, the officer operating the primary unit is vested with the authority to decide and direct the pursuit actions.

2. The officer operating the primary unit shall continually reevaluate and assess the pursuit. The officer shall terminate the pursuit, even in the absence of an order to terminate by a supervisor, when that officer reasonably believes that the foreseeable risks to the officer, the public or others arising from a continued pursuit is greater than the threat to public safety should the pursued vehicle be allowed to escape. [41.2.2 (g)]
3. Upon receipt of a notice to terminate the pursuit from a supervisor, the primary unit shall immediately reduce its speed to within the posted speed limits and shall deactivate emergency warning equipment.

**B. SECONDARY UNIT [41.2.2 (c)]**

1. Once the pursuit is engaged, the secondary unit shall maintain a safe distance behind the primary unit, but should remain close enough to provide aid and assume radio communications if and when necessary.
2. Upon receipt of a notice to terminate the pursuit from the primary unit and/or a supervisor, the secondary unit shall discontinue the pursuit and shall immediately reduce its speed to within the posted speed limits and shall deactivate emergency warning equipment.

## VI. RESPONSIBILITIES OF THE DISPATCHER

Upon being informed of a pursuit in progress, the dispatcher shall: [41.2.2 (e)]

- A. Immediately inform the Officer-in-Charge;
- B. Receive and record all incoming information on the pursued vehicle;
- C. Advise all other units that a pursuit is in progress, providing all relevant information;
- D. Perform relevant record and motor vehicle checks as expeditiously as possible;
- E. Coordinate assistance of other officers under the direction of the supervisor;
- F. Notify affected law enforcement agencies over appropriate communications systems and seek their assistance if the pursuit is proceeding into another jurisdiction; and
- G. Notify all affected agencies when a pursuit has been terminated or if apprehension has been made.

## VII. INTERVENTION TACTICS

- A. Intervention tactics refers to the following actions associated with the forcible stopping of a moving vehicle to prevent death or serious injury to the operator or the general public.
- B. Intervention tactics should be used only when: [\[41.2.3 \(a\)\]](#)
1. the officer has reason to believe the continued movement of the pursued vehicle would place others in imminent danger of serious bodily injury or death; and
  2. the apparent risk of harm to other than the occupant of the pursued vehicle, is so great as to outweigh the apparent risk of harm involved in making the forcible stop; and
  3. When specifically authorized by a supervisor in charge of the pursuit.
- C. The following intervention tactics are generally authorized by the Department, and all of which constitutes a use of force, requiring a use of force report in addition to the required incident report;
1. **Tire Deflation Devices:** A department-authorized device (such as a Stinger®) intended to be placed in the roadway to cause a slow deflation of one or more tires of a motor vehicle passing over it. The Department provides training in the use of this device and only officers trained in its deployment and use are authorized to deploy tire deflation devices. The supervisor in charge of the pursuit must authorized the deployment of this device and must take into consideration factors such as the dangerousness of the operator should s/he flee from the vehicle, available officers to contain the operator once stopped, the location of deployment (i.e. never in a school zone during school days and hours) and other factors at the time effecting safety. Deployment shall follow the manufacturer's instructions and Department policy.
  2. **Use of Firearms:** Officers shall refer to the departmental policy on *Use of Force* with respect to discharging a firearm at or from a moving vehicle.

## VIII. INTER- AND INTRA-JURISDICTIONAL PURSUITS [41.2.2 (h)]

- A. A pursuit may continue into another jurisdiction when done in conformance with applicable Massachusetts General Laws, department policies, and inter-jurisdictional agreements.
1. **Outside the Commonwealth:** On fresh and continued pursuit, a police officer may pursue and arrest a person who is wanted for the commission of specific felonious acts involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons into any neighboring state.
  2. **Within the Commonwealth:** A police officer may make an arrest outside his/her jurisdiction on fresh and continued pursuit provided:
    - a. The offense is one for which the officer would have the right of arrest without a warrant within his/her jurisdiction;
    - b. The offense was committed in the officer's presence; and
    - c. The offense was committed within the officer's jurisdiction.<sup>1</sup>
- B. Officers shall not become involved in another agency's pursuit unless specifically authorized by their supervisor.
- C. When this department has initiated a pursuit, timely notification of a pursuit in progress shall be provided to any other jurisdiction into which the pursuit enters. Merely notifying another jurisdiction that a pursuit is in progress is not a request to join the pursuit. The department shall advise if assistance is necessary. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the jurisdiction into which the pursuit has entered, or whenever radio communication is lost, the pursuing officers shall, when possible, seek the assistance of, and be prepared to relinquish the pursuit to, the other agency.

## IX. TERMINATION OF A PURSUIT

- A. **TERMINATION:** When a decision is made to terminate a pursuit, the primary and secondary units shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.

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<sup>1</sup> G.L. c. 41, section 98A.

- B. **RESUMPTION OF A TERMINATED PURSUIT:** Once a pursuit has been terminated, the primary, secondary, and other units aware of the pursuit may not reengage the pursuit without first requesting specific authorization from a supervisor regarding the changed circumstances that have occurred.

## X. AFTER-ACTION REPORTING

- A. Any officer involved in a pursuit, and the Patrol Supervisor shall file written reports on the incident detailing the circumstances. These reports shall be evaluated and reviewed by a superior officer (OIC) not involved in the pursuit to determine if there has been compliance with departmental policies and regulations and shall be **submitted to the Chief of Police** for his/her review and filed with the Internal Affairs Unit for the purpose of conducting an annual analysis. [41.2.2 (i); 41.2.3 (d); 41.2.3 (e)]
- B. The department shall on an annual basis, complete an analysis of pursuit activities for the purpose of identifying any improvements in this pursuit procedure, which shall be documented and maintained pursuant to the Department's records retention schedules. This analysis shall also be used to determine whether to implement modifications to this policy, if warranted. [41.2.2 (j); 41.2.3 (e)]
- C. The department shall maintain for three years the original or a copy of the radio transmission recordings of pursuits involving personal injury or death which shall be kept in a file under the control of the Internal Affairs Unit.

## XI. TRAINING

Officers who drive police vehicles shall receive annual training on this pursuit policy. Prior to utilizing any of the intervention tactics authorized in this policy, all sworn personnel shall receive training in their use. Initial training shall be done during the field training period and refresher / review training shall be done once per year. The Department's defensive tactics instructor shall develop and maintain an intervention tactics lesson plan and deliver training to new employees as part of the field training program on an annual basis and provide annual refresher training to all sworn personnel. [41.2.3]

Stinger® tire deflation device refresher training shall consist of viewing the Stinger® training video provided by the manufacturer and a practice deployment supervised by the department defensive tactics instructor, who shall utilize the appropriate Stop-Stick® lesson plan provided by the manufacturer.