


<b>MELROSE POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>1.10</b>
<b>Vehicle Pursuits</b>		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>41.2.2, 41.2.3</b>		GENERAL ORDER <b>41P-001</b>
Effective Date: <b>July 20, 2009</b>  Revised from: 11/10/2022 12/22/2023	Issuing Authority <i>Kevin Faller</i> Kevin Faller Chief of Police	

## 1. General Considerations & Guidelines

Vehicular pursuits are necessary to effectuate the enforcement of criminal and motor vehicle laws. Many 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.

The primary purpose of this policy is to secure a balance between the need to protect the lives of the public and the occupants of the pursued vehicle and the obligation of Police Officers to enforce laws and apprehend violators.

This policy also recognizes that vehicular pursuits do not automatically occur when Officers activate their emergency warning equipment 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.

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.

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Since numerous unique situations arise in law enforcement, it is impossible for this policy to anticipate all possible vehicular pursuit circumstances. Therefore, in unusual situations an Officer should use common sense and consult with a supervisor whenever possible.

### 2. DEFINITIONS:

- a. Authorized Police Vehicle: A police department issued motor vehicle equipped with operable emergency warning equipment.
- 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 Shift Commander (OIC), Patrol Supervisor, or other person-in-charge.
- 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.

### 3. Policy

- 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. Officers should not participate in a pursuit with a civilian present in an authorized police vehicle except in the following circumstances and only if this activity can be accomplished without serious risk of injury to the civilian:
  - i. Where immediate response is required to prevent severe bodily injury or death to an individual.
  - ii. Where serious injury has occurred requiring immediate attention.
  - iii. Where a serious or violent crime is in progress and/or a criminal is fleeing, and immediate apprehension is required to ensure public safety.
- c. 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 the officer intends to stop poses a risk of physical harm to the officer, the public, or others;
  - 2. That the occupant(s) of the vehicle the officer intends to stop pose(s) a risk of physical harm to the public or others; or

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3. That the occupant(s) of the vehicle is/are wanted for the commission of felonious acts that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.
- d. No officer shall initiate or continue a pursuit on a divided highway opposite the direction of the flow of vehicular traffic.
- e. Unless authorized by a supervisor, no officer (other than the officers in the primary and secondary units) shall engage in the main pursuit or pursue on parallel streets. **41.2.2 (b)**
- f. An officer operating an authorized motorcycle may initiate a vehicular pursuit but may not exceed posted speed limits and must relinquish the pursuit immediately upon becoming aware of the participation of an authorized marked police vehicle. **41.2.2 (e)**
- g. Only marked police cruisers shall be used for ***continuous*** pursuits. Initial pursuit may be undertaken by an unmarked vehicle or motorcycle if it is equipped with emergency lights and siren approved by the department. These vehicles shall relinquish the pursuit when a marked cruiser has intercepted, when conditions require abandonment due to public safety, or when it becomes apparent that no marked cruiser is available. **41.2.2 (e)**
- h. Officers in general should avoid the pursuit of a motorcycle for a traffic violation, especially if they know the registration number, (*and it comes back to the motorcycle being pursued*), or the identity of the operator.

However, this does not preclude Officers from the pursuit of a motorcycle. There may be circumstances in which a pursuit is justified (*e.g. – serious crime, light traffic, dry road surface, slow speed, etc.*). **41.2.2 (b)**

### 4. Pursuit Decisions **41.2.2 (b)**

- a. 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:
  - i. The risk to public safety **in the absence of pursuit**:
    1. severity of crime/offense believed to have been committed by one or more occupants of the pursued vehicle.
    2. the nature and degree of the threat to public safety should the vehicle not be stopped.
    3. alternatives to the pursuit.
    4. if the identities of the occupants are known to the point where later apprehension is possible and applicable.

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- ii. The foreseeable risk to public safety **rising from the pursuit**:
  - 1. population density (including volume of pedestrian traffic);
  - 2. nature of the area (residential, commercial, school zone, and the volume type, speed and direction of vehicular traffic);
  - 3. officer's familiarity with the area;
  - 4. road and weather conditions;
  - 5. time of day;
  - 6. speeds involved;
  - 7. driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued;
  - 8. operational status of emergency warning equipment;
  - 9. quality of radio communications;
  - 10. the presence of other persons in the pursued vehicle.

## 5. Pursuit Operations

- a. Upon engaging in a pursuit, the primary unit and, if involved, secondary unit shall activate emergency warning equipment.
- 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 M.G.L. c. 89, s. 7B (Operation of Emergency Vehicles), as follows:
  - i. The driver of any police department vehicle shall be subject to the provisions of any statute, rule, regulation, ordinance, or bylaw relating to the operation or parking of vehicles, including stopping for a school bus with red lights flashing which has stopped to allow passengers to alight or board, except:
    - 1. The driver may exceed the speed limit if (s)he exercises caution and due regard under the circumstances for the safety of persons and property; and
    - 2. The driver may drive through an intersection contrary to traffic signs or signals if (s)he first brings the vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property.
- 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 (e)**

**6. Supervisor Responsibilities 41.2.2 (g)**

- a. Upon becoming aware of the pursuit, the supervisor shall evaluate the totality of the circumstances and decide, as quickly as possible, whether 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. When feasible and authorized, a supervisor should respond to the location where a vehicle has been stopped following a pursuit.
- f. 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.
- g. 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.

**7. Responsibilities and Limitations of the Primary Unit 41.2.2 (c) (i)**

- a. The primary unit is usually the officer who initiates the pursuit and becomes the first police vehicle behind the vehicle being pursued.
- b. The primary unit shall notify the dispatcher of the pursuit, including:
  - i. The location where the pursuit was initiated;
  - ii. The direction of the fleeing vehicle;
  - iii. The description of the pursued vehicle and registration number, if known;
  - iv. The reason for the pursuit; and
  - v. The estimated speeds of the vehicles.
- c. The primary officer shall keep the dispatcher updated on the pursuit at regular intervals until relieved of this duty by the secondary officer.
- d. 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.

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- e. 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. Upon receipt of a notice to terminate the pursuit from a supervisor, the primary unit shall discontinue the pursuit.
- f. The pursuing officer shall notify the dispatcher or communications center when it is likely that a pursuit will continue into a neighboring jurisdiction.

### 8. Responsibilities and Limitations of the Secondary Unit 41.2.2 (d)

- a. 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.
- b. The secondary unit shall assume radio communications, allowing the primary unit to concentrate on driving.
- c. Upon receipt of a notice to terminate the pursuit from the primary unit and/or a supervisor, the secondary unit shall discontinue the pursuit.

### 9. Dispatcher Responsibilities 41.2.2 (f)

- a. Immediately inform the Officer in Charge (OIC)
- 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 OIC;
- 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.

### 10. Intervention Tactics

- a. Vehicles being pursued **shall not be passed or overtaken** by the police unit as the maneuver is tactically ill-advised and often precipitates aggressive maneuvering by the suspect vehicle.
- b. A fleeing vehicle **will not be forcibly stopped** through deliberate contact with a police vehicle. 41.2.3 (a)
- c. Roadblocks **shall not be used** by this department. 41.2.3 (b)

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- d. Tire deflation devices **shall not be used** by this department. **41.2.3 (c)**
- e. Use of Firearms: Discharging a firearm at a moving vehicle by an officer is prohibited except to defend said officer or another when the occupant of the pursued vehicle is employing deadly force, which the officer reasonably perceives as an immediate threat of death or physical injury and the officer reasonably believes that (s)he will not endanger innocent persons.
- f. *Shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited.*

## 11. Interjurisdictional Pursuits

- a. A pursuit may continue into another jurisdiction when done in conformance with applicable Massachusetts General Laws, department policies, and inter-jurisdictional agreements.
- b. Outside the Commonwealth: On fresh and continued pursuit, a police officer may pursue and arrest a person who has committed a felony into any neighboring state. (M.G.L. c. 276, s. 10a)
- c. Within the Commonwealth: A police officer may make an arrest outside his/her jurisdiction on fresh and continued pursuit provided:
  - i. The offense is one for which the officer would have the right of arrest without a warrant within his/her jurisdiction;
  - ii. The offense was committed in the officer's presence; and
  - iii. The offense was committed within the officer's jurisdiction. (M.G.L. c 41, s.98A)
- d. Officers shall not become involved in another agency's pursuit unless specifically authorized by their supervisor.
- e. *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.*

**12. Termination of Pursuit 41.2.2 (h)**

- a. 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.
- b. It is recognized that upon terminating a pursuit, the pursuing units are not required to bring their vehicles to a stop and/or head in the opposite direction of the former target vehicle. The primary and secondary units may continue to operate their vehicles in the same direction as the previously pursued vehicle, so long as they maintain a safe distance and their actions do not constitute an active attempt to continue the pursuit.

**13. Reporting after Pursuits 41.2.2 (l)**

- a. INVOLVED OFFICER(S) All officers involved in a pursuit will file written Incident (primary) or Supplemental Reports detailing the circumstances and their involvement.
- b. SUPERVISORS All supervisors involved in a pursuit will file a supplemental report. All reports affiliated with a Pursuit shall be reviewed by a superior officer, not personally involved in the pursuit, to determine if there has been compliance with departmental policies and regulations. **41.2.2 (m)**
- c. MELROSE POLICE DEPARTMENT ADMINISTRATION
  - i. The Professional Standards Division (PSD) shall annually analyze pursuit activities for the purpose of identifying any improvements in this pursuit procedure and shall implement modifications to this policy if warranted. A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. **41.2.2 (n)**
  - ii. PSD shall maintain for three years the original or a copy of the radio transmission recordings of pursuits involving personal injury or death.