



# BRAINTREE POLICE DEPARTMENT

## Policy and Procedure

### VEHICULAR PURSUIT POLICY

**2018-05**

Date of Issue: 01/03/2018

Review Date :

Revised: 04/25/2018

Issuing Authority:

Chief Paul Shastany

Certification Standards: **1.3.7, 41.2.2 a-j, 41.2.3 a,b,c,d,e**

Accreditation Standards: **41.1.3 a**

Optional Accreditation Standards:

#### **I. General Considerations and Guidelines:**

Vehicular pursuits are 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.

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 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 officers' 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.

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.

## II. 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. 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 occupant(s) of the vehicle is/are wanted for the commission of **specific felony involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.**

**Note:** This policy **does not** authorize police pursuits for property crimes (even amounting to a felony) including receiving and/or possession of a stolen motor vehicle if no other circumstances as alluded to above are present.

- C. No officer shall initiate or continue a pursuit on a divided highway opposite the direction of the flow of vehicular traffic.
- D. Unless specifically authorized by a supervisor (Patrol Supervisor or CO), no officer (other than the officers in the primary and secondary unit) shall engage in the main pursuit or pursue on parallel streets.
- E. 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]**
- F. No officer or employee operating a privately owned vehicle, the Prisoner Transport Vehicle, or Department Motorcycle will participate in a vehicular pursuit. **[41.1.3 a], [41.2.2 d]**
- G. No officer shall participate in a pursuit of a motorcycle for traffic violations or a violation for refusal to stop for a police officer (Chapter 90 §25) whether the officer knows the motorcycle's registration number or the identity of the operator or not. **[41.2.2 d]**

## III. DEFINITIONS:

- A. **Authorized Police Vehicle:** Any department issued vehicle whose use is authorized by a superior officer, equipped with operable emergency warning equipment, i.e. marked or unmarked cruiser, Patrol Transport Vehicle, Animal Control Vehicle, K-9 vehicle, motorcycle or bicycle. **[41.1.3 a]**

- 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 Commanding Officer (CO), 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.

**IV. PROCEDURE:**

**A. Pursuit Decisions**

1. 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]**

THE RISK TO PUBLIC SAFETY

vs.

THE FORESEEABLE RISK

IN THE ABSENCE OF PURSUIT

TO PUBLIC SAFETY ARISING

FROM THE PURSUIT

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• severity of crime/offense believed to have been committed by one or more occupants of the pursued vehicle;</li> <li>• the nature and degree of the threat to public safety should the vehicle not be stopped;</li> <li>• alternatives to the pursuit;</li> <li>• whether the identities of the occupants are known to the point where later apprehension is possible and applicable.</li> </ul> | <ul style="list-style-type: none"> <li>• population density (including volume of pedestrian traffic);</li> <li>• nature of the area (residential, commercial, school zone, and the volume type, speed and direction of vehicular traffic);</li> <li>• officer's familiarity with the area;</li> <li>• road and weather conditions;</li> <li>• time of day;</li> <li>• speeds involved;</li> <li>• driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued;</li> <li>• operational status of emergency warning equipment;</li> <li>• quality of radio communications;</li> <li>• the presence of other persons in the pursued vehicle.</li> </ul> |
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**B.**

**Pursuit Operations**

1. Upon engaging in a pursuit, the primary unit and, if involved, secondary unit shall activate emergency warning equipment.
2. 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.
3. 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, s. 7B** (Operation of Emergency Vehicles), as follows:
  - a. The BPD Officer 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:
    - i. The BPD Officer may exceed the speed limit and should **exercise caution and due regard under the circumstances** for the safety of persons and property; and
    - ii. The BPD Officer 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.
4. 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]**

**C. Responsibilities of the Supervisor [41.2.2 f]**

1. 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.
2. 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.
3. A supervisor may authorize officers (in authorized police vehicles) in addition to the primary and secondary units if the circumstances dictate, or if the supervisor reasonably believes that there is a substantial likelihood of serious physical injury or death should additional officers not participate.
4. The supervisor **shall continually reevaluate** the need to continue the pursuit.

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]

6. 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. **A supervisor shall respond** to the location where a vehicle has been stopped following a pursuit.

**D. The Responsibilities and Limitations of the Primary and Secondary Units**

1. **Primary Unit [41.2.2 b]**
  - a. 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.
  - b. 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]**

- c. Upon receipt of a notice to terminate the pursuit from a supervisor, the primary unit shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.
- d. The pursuing officer shall notify the Communications Center when it is likely that a pursuit will continue into a neighboring jurisdiction.

**2. Secondary Unit [41.2.2 c]**

- 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 and assume radio communications if and when necessary.
- b. 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 their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.

**E. Responsibilities of Dispatcher [41.2.2 e]**

- 1. Upon being informed of a pursuit in progress, the dispatcher shall:
  - a. Immediately inform the Commanding Officer.
  - b. Receive and record all incoming information on the pursued vehicle;
  - c. Advise all other units that a pursuit is in progress and to keep the "air clear" while 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.

## F.

### Intervention Tactics [41.2.3]

#### Purpose:

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. Vehicle contact may only be utilized when deadly force is justified. [41.2.3 a], [41.1.3 a]

1. **Tire Deflation Devices:** A department authorized device (such as a “stop-stick”) intended to be placed in the roadway to cause a slow deflation of one or more tires of a motor vehicle passing over it. Tire deflation devices are currently **not** authorized by the Braintree Police Department.
  
2. **Use of Firearms:**
  - a. **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 imminent threat of death or physical injury and the officer reasonably believes that [s]he will not endanger innocent persons.

**NOTE:** Shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited. Under such circumstances, officers should be aware of the potential inability of a bullet to penetrate metal or glass surfaces of an automobile and the likelihood of ricocheting bullets causing injury to innocent persons.

Shooting at a vehicle to disable it is prohibited.

3. **Vehicle Contact Action:** Vehicle contact action is an active attempt by the primary unit and/or other pursuit vehicles to terminate a pursuit through the use of deliberate contact between the moving police vehicle and the moving pursued vehicle.
  - a. Vehicle contact action **may only be utilized when the use of deadly force is justified** and such action is taken in conformance with the departmental policy on the **Use of Force**. This tactic may

not be utilized when any of the tactics authorized in this section are viable options. **[41.1.3 a]**

- **Boxing-In**: An active attempt to terminate a pursuit by surrounding the pursued vehicle with the primary, secondary, or other units which are then slowed to a stop. **[41.2.3b]**
- Boxing-in may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the driver 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 be utilized only when authorized by a supervisor and it is reasonable to believe that allowing the vehicle to escape will not reduce the perceived risk of death or serious physical injury to the public and/or the occupants of the pursued vehicle. **[41.2.3 a]**
- **Heading Off**: An active attempt to terminate a pursuit by the primary unit pulling ahead of the pursued vehicle in a manner to force the pursued vehicle to come to a stop or risk collision with the primary unit. **[41.2.3b]**
- Heading off may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the driver 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 be utilized only when authorized by a supervisor and it is reasonable to believe that allowing the vehicle to escape will not reduce the perceived risk of death or serious physical injury to the public and/or the occupants of the pursued vehicle. **[41.2.3 a]**
- Road Blocks **are not** authorized during vehicle pursuits. **[41.2.3]**



**G.**

**Inter-Jurisdictional Pursuits [41.2.2 h]**

1. Pursuit may continue into another jurisdiction when done in conformance with applicable Massachusetts General Laws, department policies, and inter-jurisdictional agreements.
  - a. **Outside the Commonwealth:** On fresh and continued pursuit, a police officer may pursue and arrest a person who 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.**
  - b. **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.<sup>i</sup>
    - iv. Pursuant to the Metropolitan Law Enforcement Council mutual aid agreement.
2. Officers **shall not** become involved in another agency's pursuit **unless specifically authorized by their supervisor.**
3. 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.

## H.

### Termination of a Pursuit

#### 1. Termination: [41.2.2 g]

- 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.
- c. Any officer in a pursuit vehicle, regardless of rank, shall terminate the pursuit if the risk of life and property outweigh the benefit of apprehending the pursued suspect. No officer can be disciplined for terminating a pursuit.

#### 2. 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.

## I.

### After-Action Reporting

1. Whenever a member of this department engages in a pursuit, [s]he shall file a written report on the incident detailing the circumstances as soon as practical. The Patrol Supervisor shall file a supplemental narrative to the pursuing officer/supervisor's incident/arrest report. These reports shall be evaluated and reviewed by the shift commander or (if he or she was involved in the pursuit), a supervisor, not involved in the pursuit. The supervisor review is to determine if there has been compliance with departmental policies and regulations. These report reviews shall be completed prior to the end of the shift in which the pursuit occurred. If not submitted at the end of the shift, document extenuating circumstances. The report shall then be **submitted to the Chief of Police** for his/her review and filed with the Deputy Chief of Operations and Training Officer for the purpose of conducting an annual analysis. **[1.3.7], [41.2.2 i,j], [41.2.3 d, e]**
  
2. The department shall annually analyze pursuit activities for the purpose of identifying any improvements in this pursuit procedure and shall implement modifications to this procedure if warranted. A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. The supervisor of Professional Standards and Accountability shall conduct an annual analysis of all motor vehicle pursuits however long in duration that involved Braintree Officers. **[1.3.7], [41.2.2 j], [41.2.3 e]**

Factors to be considered:

- Frequency of pursuits,
- Pursuit date/time and (shift),
- Original violation or offense
- Reason for terminating the pursuit
- Injuries
- Property damage
- Were emergency lights and siren used?
- Did a supervisor take control of pursuit?
- Supervisor: years on the job
- Primary officer years on the job
- Average length of time and distance of pursuit
- Did pursuit leave cities jurisdiction
- Suspect information
- Did pursuit comply with BPD policy and procedures?
- Training issues identified

2. The departments 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 Deputy Chief and Training Officer.

**J.**

**Training**

The department shall provide annual roll training on the entire pursuit policy. This training will be conducted by shift commanders, unit commanders, detective supervisors, and/or the training supervisor. The training will cover roadblocks, forcible stopping and all prohibitive action to be taken by police personnel.

**[41.2.3c]**

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<sup>i</sup> M.G.L. c. 41, s. 98A