



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations			
POLICY & PROCEDURE # 1.04	DATE OF ISSUE: 4/21/2021	EFFECTIVE DATE: 4/21/2021	
SUBJECT: VEHICULAR PURSUITS	ISSUING AUTHORITY: Chief Richard Burrows		
REFERENCE(S): Massachusetts Police Accreditation Commission # 11.4.1; 41.1.3; 41.2.2; 41.2.3	<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> AMENDS	<input type="checkbox"/> RESCINDS

I. PURPOSE

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.

II. 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. **[41.2.2(5A)(5B)]**
- 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 as a backup behind the primary unit.
- 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.

III. PROCEDURES

A. Pursuit Decisions

1. 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:
 - a. 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
 - b. 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.
2. 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(2)]**
 - a. Severity of the crime/offense believed to have been committed;
 - b. Nature and degree of the threat to public safety;
 - c. Alternatives to the pursuit;
 - d. Whether the identities of the occupants are known;
 - e. Population density;
 - f. Nature of the area;
 - g. Officer's familiarity with the area;
 - h. Road and weather conditions;
 - i. Time of day;
 - j. Speeds involved;
 - k. Driving skills of the officer and performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - l. Operational status of emergency warning equipment;
 - m. Quality of radio communications; and
 - n. The presence of other persons in the pursued vehicle.
3. An officer engaged in a pursuit of a motor vehicle shall operate in conformance with M.G.L. c. 89, section 7B.

Massachusetts General Law, Chapter 89, § 7B provides that *“a driver of a police vehicle or recognized protective department or the driver of an ambulance, in an emergency and while in the performance of a public duty... may drive such vehicle at speeds in excess of the applicable speed limit if the operator of the vehicle exercises caution and due regard under the circumstances for the safety of the persons and property, and may drive such*

vehicle through an intersection of ways contrary to any traffic sign or signals regulating traffic...if the operator first brings such vehicle to a full stop and proceeds with caution and due regard for the safety of persons and property unless otherwise directed by a police officer regulating traffic at such intersection."

4. No officer shall initiate or continue a pursuit on a divided highway opposite the direction of the flow of vehicular traffic.
5. The pursuit of a motorcycle for traffic violations alone is not authorized by any officer unless extreme exigent circumstances are present and the pursuit is authorized by the shift supervisor.
6. Officers should take alternative measures to pursue for non-hazardous violators.

B. Pursuit Operations Generally

1. 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.
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. 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(5A)(5B)]**
4. Unless specifically authorized by a supervisor, no officer (other than the officers in the primary and secondary unit) shall engage in the main pursuit or pursue on parallel streets.
5. No officer shall participate in a pursuit with a civilian or a detainee present in the authorized police vehicle under any circumstances. **[41.2.2(5A)(5B)]**
6. No officer or employee operating a privately-owned vehicle or any specialized vehicle requiring specific training before being authorized to operate that vehicle such as a Department motorcycle, or bicycle will participate in a vehicular pursuit. **[41.1.3 (B)(C)(D)] [41.2.2(5D)(5C)]**

C. Responsibilities of the Supervisor **[41.2.2(7)]**

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 the 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, 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.
4. The supervisor shall continually reevaluate the need to continue the pursuit.
5. 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(8)(9)]**
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. When it is feasible, A supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

D. Responsibilities of the Primary & Secondary Units

1. PRIMARY UNIT: [41.2.2(3)]
 - 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(8)]**
 - c. 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.
2. SECONDARY UNIT [41.2.2(4)]
 - 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 its speed to within the posted speed limits and shall deactivate emergency warning equipment.

E. Responsibilities of the Dispatcher [41.2.2(6)]

Upon being informed of a pursuit in progress, the dispatcher shall:

1. Immediately inform the patrol shift supervisor;
2. Receive and record all incoming information on the pursued vehicle;
3. Advise all other units that a pursuit is in progress, providing all relevant information;
4. Perform relevant record and motor vehicle checks as expeditiously as possible;
5. Coordinate assistance of other officers under the direction of the supervisor;
6. Notify affected law enforcement agencies over appropriate communications systems and seek their assistance if the pursuit is proceeding into another jurisdiction; and
7. Notify all affected agencies when a pursuit has been terminated or if apprehension has been made.
8. Minimize radio traffic to allow pursuing authorized vehicles to communicate.

F. Forcible Stopping/Roadblocks [41.2.3]

1. The Acton Police Department does not authorize personnel to utilize the following tactics to stop a motor vehicle:
 - a. Roadblocks
 - b. Forcible Stopping
 - c. Stop Sticks / Road Spikes

G. Inter-and Intra-Jurisdictional Pursuits [41.2.2(10)(11)]

1. A 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 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.

- b. Within the Commonwealth: A police officer may make an arrest outside his/her jurisdiction on fresh and continued pursuit provided:
 - 1) The offense is one for which the officer would have the right of arrest without a warrant within his/her jurisdiction;
 - 2) The offense was committed in the officer's presence; and
 - 3) The offense was committed within the officer's jurisdiction.
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 [41.2.2(8)(9)]

1. 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.
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. Any officer involved in a pursuit shall file written reports on the incident detailing the circumstances. The Patrol shift supervisor shall complete a "Pursuit Evaluation Report" form (P-Drive). These reports shall be evaluated and reviewed by a Division Commander not involved in the pursuit to determine if there has been compliance with Departmental policies and regulations and shall be forwarded to the Chief of Police for his/her review. The report shall be filed with the Division Commander to conduct an annual analysis. [41.2.2(12)(13)] [41.2.3] [82.2.11]
2. 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. **[11.4.1][41.2.2(14A)(14B)]**
[41.2.3]

J. Instruction

1. Officers who drive police vehicles shall receive annual instruction on this pursuit policy. Prior to utilizing any of the intervention tactics authorized in this policy, all sworn personnel shall receive instruction in their use. Initial instruction shall be done during the field training period and refresher / review instruction shall be done once per year. **[41.2.3]**

VEHICULAR PURSUIT INFORMATION

History: Department Manual Policy and Procedure #1.04

Manual I, Section III.