


MASHPEE POLICE DEPARTMENT

	<b>GENERAL ORDER</b> <b>001</b>	Effective Date: <b>01/01/2015</b>
	Subject: <b>PURSUIITS</b>	Date of Issue: <b>01/01/2015</b>
	Classification: <b>OPERATIONS</b> Revised: <b>10/27/17</b>	Review Due: <b>10/27/19</b> By the Authority of:
		<b>Scott W, Carline</b> <b>Chief of Police</b>
Calea Standards: 41.2.2; 41.2.3		

**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 occupants 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.

**I. POLICY**

It is the policy of the Mashpee Police Department that a vehicular pursuit is authorized when the need to apprehend a suspect fleeing in a motor vehicle outweighs the risk created by the pursuit.

## II. 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 Supervisor.

### E. Command Staff Member:

Chief, Captain or Lieutenant.

### F. 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.

### G. Densely Populated Area:

Any area in town that is thickly settled, and/or comprised of a business district marked by compactness, pedestrian and vehicular traffic.

## III. PROCEDURES

### A. Generally

Officers shall continually evaluate all circumstances surrounding a pursuit. If the degree of danger to the public, the pursuing officer(s), and/or the suspect(s) is greater than the necessity for immediate apprehension, a pursuit shall not be initiated, or if in progress, terminated. An officer may, within the posted speed, engage in a pursuit of any motor vehicle operating in conformance

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with posted speed limit and other traffic laws, under any circumstance justifying a lawful motor vehicle stop.

**B. Prohibited Pursuits**

1. No officer shall initiate or continue a pursuit on a divided highway opposite the direction of the flow of vehicular traffic.
2. 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.
3. No officer shall participate in a pursuit with a civilian present in the authorized police vehicle.
4. No officer operating a motorcycle will participate in a vehicular pursuit.<sup>1</sup>
5. No officer shall participate in a pursuit of a motorcycle unless the suspect poses an imminent threat of death or serious bodily harm to the public or officers; or when specifically authorized and ordered by the Shift Supervisor.

**C. Pursuit Decisions:**

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:<sup>2</sup>

The Risk to Public Safety in the Absence of Pursuit	vs.	The Foreseeable Risk 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</li> <li>• Nature of the area (residential, commercial, School zone, and the volume type, speed, and direction of the vehicular traffic)</li> <li>• Officers familiarity with the area</li> <li>• Road and weather conditions</li> <li>• Time of day and 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>

<sup>1</sup> 41.2.2 D

<sup>2</sup> 41.2.2 A



**D. 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 dispatch 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 updated on the pursuit at regular intervals.<sup>3</sup>
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:

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:

- a. 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
  - b. 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.
4. An authorized unmarked police vehicle shall relinquish primary unit status immediately upon becoming aware of the participation of an authorized marked police vehicle.<sup>4</sup>

**E. Responsibilities of the Shift Supervisor<sup>5</sup>**

1. Upon becoming aware of the pursuit, the Shift 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 Shift 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 Shift 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 Shift Supervisor reasonably believes that there is a substantial likelihood of serious physical injury or death should additional officers not participate.
4. The Shift Supervisor shall continually reevaluate the need to continue the pursuit.
5. If mobile, move into a tactically advantageous position to assist with and/or supervise the stop;

<sup>3</sup> 41.2.2 B

<sup>4</sup> 41.2.2 D

<sup>5</sup> 41.2.2 F

6. Maintain tight control on the desire of other officers to get involved in the pursuit;
7. The Shift 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.<sup>6</sup>
8. The Shift 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.
9. Where practicable, the Shift Supervisor may authorize the use of STOP STICKS in an attempt to safely end the pursuit.<sup>7</sup>
10. When feasible and authorized, a supervisor should respond to the location where a vehicle has been stopped following a pursuit.

**F. The Responsibilities And Limitations Of The Primary And Secondary Units**

1. Primary Unit<sup>8</sup>
  - a. Subject to the direction of a Shift 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.
  - c. Upon receipt of a notice to terminate the pursuit from a supervisor, the primary unit shall discontinue the pursuit.
  - d. The pursuing officer shall notify the dispatcher when it is likely that a pursuit will continue into a neighboring jurisdiction.
2. Secondary Unit<sup>9</sup>
  - 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.
  - c. Do not “caravan” the pursuit—no more than two Mashpee Police units may actively pursue without specific orders from the Shift Supervisor.

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<sup>6</sup> 41.2.2 G

<sup>7</sup> 41.2.3 D

<sup>8</sup> 41.2.2 B

<sup>9</sup> 41.2.2 C



- d. Adhere to all requirements of MGL C. 89 s 7B and applicable case law during the pursuit.
3. Termination of Pursuits:
- Officers shall terminate pursuit:<sup>10</sup>
- a. When it becomes evident to the officer(s) involved in the pursuit that the risks to life and property outweigh the benefit derived from the apprehension of the occupant(s) or continued pursuit;
  - b. The offense is for motor vehicle violations, a misdemeanor, or a non-violent felony;
  - c. The Offense if for a motor vehicle violation, a misdemeanor, or a non-violent felony and the identity of the driver becomes known to the pursuing officer(s);
  - d. Once it is determined by the pursuing officer(s) that the pursuit cannot result in apprehension;
  - e. When the Shift Supervisor orders the pursuit to be terminated;
  - f. When there is equipment failure involving an emergency signaling device, radio, brakes, steering, or other essential mechanical equipment.

**G. Responsibilities Of Dispatchers:<sup>11</sup>**

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

- 1. Immediately inform the 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 Shift 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.

**H. Intervention Tactics:**

Tire deflation devices (Stop Stick by Stop Tech) shall be used as an intervention tactic by the Mashpee Police Department in accordance to the manufacturer's suggestions.<sup>12</sup> Tire deflation devices should be used, when practicable, where there is an agreement between the primary unit and the officer who will deploy the device.<sup>13</sup> All officers will undergo training in the proper

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<sup>10</sup> 41.2.2 G

<sup>11</sup> 41.2.2 E

<sup>12</sup> 41.2.3 B

<sup>13</sup> 41.2.3 A

deployment of the device prior to utilizing them. Continual training shall be at least once a year and shall include a segment on determining the best locations for deployment.<sup>14</sup>

1. The following intervention tactics are prohibited:
  - a. Making deliberate contact between vehicles;
  - b. Forcing a pursued vehicle into parked vehicles, off the roadway, into ditches or other obstacles;
  - c. Boxing in or driving alongside the pursued vehicle;
  - d. Ramming the offending vehicle.

2. 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. 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.

3. Roadblocks:

*An active attempt to terminate a pursuit through the use of a restriction or obstruction in the roadway that is intended to prevent free passage of motor vehicles on a roadway. The Mashpee Police Department shall not utilize roadblocks.*<sup>15</sup>

4. 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. Deliberate contact between a pursued vehicle and a police vehicle is prohibited.*

5. Whenever an officer deploys tire deflation devices, (s)he shall file written reports in offense reporting format detailing the circumstances. The supervisor shall file the appropriate supplemental report as well. These reports shall be evaluated by the Executive Officer (Captain) to determine if there has been compliance with departmental policies and regulations.<sup>16</sup>

**1. Use of Firearms during Pursuits**

1. *Officers shall not discharge a firearm from within a moving vehicle.*
2. *Officers should refrain from discharging a firearm at a moving or fleeing vehicle unless any occupant is using or threatening to use deadly force. Officers should not shoot when the vehicle is no longer an imminent threat. Officers should recognize that moving out of the path of any oncoming vehicle, moving to cover, repositioning, and/or waiting for additional*

<sup>14</sup> 41.2.3 C

<sup>15</sup> 41.2.3

<sup>16</sup> 41.2.3 E



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*responding units to gain and maintain a tactically superior police advantage maximizes officer safety and minimizes the necessity for using deadly force.*

3. *Firing strictly to disable a vehicle is prohibited.*
4. In every incident, the officer should take into account the location of the vehicular and pedestrian traffic and the potential hazard to innocent persons and hostages.
5. Firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target, or when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.
6. In all cases, reasonable precaution will be taken to ensure the safety of the public.

### **J. Operation On Limited Access Ways**

1. Officers shall not pursue suspects the wrong way on a one-way street or limited access highway or their associated exit or entrance ramps.
2. In the event that a vehicle being pursued enters a limited access highway or street the wrong way, the pursuit vehicles should consider the following options:
  - a. Attempting to parallel the suspect vehicle on the proper side of the street
  - b. Directing other units to observe and intercept the vehicle at various on or off ramps available to the suspect vehicle

### **K. Pursuit With Unmarked Police Vehicles <sup>17</sup>**

1. Officers in unmarked police vehicles may initiate a pursuit if the vehicle is equipped by the department with audible and visual warning devices that are in good working condition, when they have reasonable cause to believe the suspects may be pursued according to the standards outlined in this policy.
2. Operators of unmarked police vehicles will relinquish the pursuit when a marked cruiser is in position to conduct the pursuit.

### **L. Interjurisdictional Pursuits <sup>18</sup>**

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 has committed a felony into any neighboring state. This should be done with the police department having jurisdiction in that area. The suspect will then be brought to the area lockup and brought before a magistrate where a rendition hearing must be held.
  - b. Within the Commonwealth:

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<sup>17</sup> 41.2.2 D

<sup>18</sup> 41.2.2 H



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 jurisdictions
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 dispatcher, after receiving instructions from the Shift Supervisor, 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.

**M. Termination Of A Pursuit<sup>19</sup>**

1. Termination:
  - a. Officers will immediately terminate a pursuit when any of the following conditions exist;
    - 1) When a pursuit for a civil infraction, misdemeanor, or non-violent felony enters into a densely populated area or a heavily congested roadway;
    - 2) If radio communication with the dispatcher and/or Shift Supervisor cannot be established or lapse;
    - 3) When the initiating officer or Shift Supervisor determines that the risks of continuing the pursuit are outweighed by the risk to public safety; or
    - 4) When ordered to do so. Termination orders shall be immediately acknowledged.
  - b. 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. 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.

**N. After Action Reporting**

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<sup>19</sup> 41.2.2 G

1. Whenever an officer engages in a pursuit, (s)he shall file written reports in offense reporting format detailing the circumstances. The supervisor shall file the appropriate supplemental report as well. These reports shall be evaluated by a superior officer to determine if there has been compliance with departmental policies and regulations.<sup>20</sup>
2. The Executive Officer (Captain) 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.<sup>21</sup>
3. The Operations Lieutenant shall maintain for three years the original or a copy of the radio transmission recordings of pursuits involving personal injury or death.

**O. Driving Practices During A High Speed Pursuit:**

The following driving practices should be adhered to whenever any member of this department becomes engaged in a high speed motor vehicle pursuit:

1. Seat belts shall remain fastened
2. Both hands should be kept on the steering wheel whenever possible
3. Tires should be kept away from the edges or shoulders of the road, and the cruiser should stay within its' lane
4. The cruiser should slow down when going into a curve or while cornering. Officers should anticipate a decrease in the cruiser's braking ability during a pursuit involving repeated cornering
5. The police vehicle should be kept at such a distance from the pursued vehicle that a sudden stop of that vehicle should not result in a collision or accident
6. If it is necessary to enter an intersection contrary to a traffic signal or posted sign, the operator of the police vehicle should bring the cruiser to a stop, in compliance with MGL C.89 s.7B, and proceed only when certain that the way is clear.

**P. Vehicle Stops Resulting From Pursuits**

1. If the pursued vehicle is stopped:
  - a. Both vehicles should be parked as far to the right as possible and out of the path of moving vehicles;
  - b. The cruiser should be to the rear of the suspect's vehicle and slightly to its left to provide a safety corridor against passing traffic;
  - c. The emergency police lights shall remain on;
  - d. In the nighttime, all available lights should be used to illuminate the stopped vehicle;

<sup>20</sup> 41.2.2 I

<sup>21</sup> 41.2.2 J

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- e. The driver of the suspect vehicle may be ordered to turn the engine off and throw the keys outside the driver's door;
  - f. The secondary unit, if any, should park to the rear of the primary vehicle slightly to the left creating a safety lane.
2. When the officer leaves the cruiser, (s)he should:
    - a. Carefully watch all occupants for unusual movements or change of position;
    - b. Position him/herself to ensure that all occupants are clearly visible
  3. If a vehicle has been stopped for a serious felony or there is reason to expect the occupants are armed, officers should refer to General Order 38: Motor Vehicle Law Enforcement.