

<b>FRAMINGHAM POLICE DEPARTMENT</b>		Next Review Date: Annually
<b>Subject: Vehicular Pursuits</b>		Effective Date: 01/04/2021 Rev. 12/01/2022, 01/25/2023
<b>Category: 100 - Operations</b>		Expiration Date: Indefinite
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <a href="#">41.2.2</a> ; <a href="#">41.2.3</a>		POLICY <b>100-6</b>
Distribution:  Sworn Personnel Communication Specialists Animal Control Community Service Volunteers	<b>Issuing Authority</b> <i>Lester Baker</i> <b>Lester Baker</b> Chief of Police	

## Policy Statement

As a general policy, police officers have a responsibility to identify perpetrators of criminal acts and to apply whatever means are lawful, reasonable, and appropriate to effect their apprehension and appearance before a court of law. Sometimes the means of apprehension may include the pursuit of a suspect in a motor vehicle.

The Department recognizes that vehicle pursuits are often hazardous, but, like the use of deadly force, they are sometimes the only option to deal with the injury threatening actions of an offender.

When a vehicular pursuit is undertaken, officers must realize that the hazards inherent in a vehicular pursuit to officers, suspects, and the public must be balanced against the need for immediate apprehension. The purpose of the pursuit should be to apprehend quickly and safely.

## Policy

The policy of this department shall be to limit the use of vehicular pursuits to those situations which involve the attempted apprehension of persons wanted for the commission of felonious acts that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.

The intention of this policy is to limit the use of continued vehicular pursuits to the most serious of circumstances, thereby effectively limiting the exposure of officers, suspects, and citizens to the possible serious consequences of vehicular pursuits.

Continued vehicular pursuit will not be authorized when the pursuit itself has a higher potential for serious injury or loss of life than does the threat posed by the escape of the suspect.

## Definitions & Special Terms

Vehicular Pursuit: Vehicular pursuit is the active attempt by a police officer in an authorized emergency vehicle to stop a moving motor vehicle that refuses to stop for the officer's lawful commands.

### I. General Guidelines & Procedures [42.2.2(a)]

- A. Each officer must adhere to the guidelines supplied in this policy and procedure in determining whether or not to engage in a pursuit and how to conduct the pursuit once one has been initiated.
- B. Some of the factors to be considered when determining whether to engage or terminate a pursuit are:
  1. Time of Day - Vehicular pursuits occurring at a time when there is a high level of business, school, or other activities are deemed to be more hazardous than those occurring during periods of low activity.
  2. Volume of Vehicular/Pedestrian Traffic - Pursuits occurring during periods of heavy traffic are deemed to be more hazardous than those occurring at off-peak hours.
  3. Location of Pursuit - Pursuits through residential areas or along streets near to or adjacent to schools are viewed as more hazardous than those in lightly populated areas.

4. Weather Conditions - Environmental factors such as rain, snow, fog, or darkness substantially increase the danger of the pursuit.
  5. Road conditions.
  6. Speeds Involved.
  7. Nature of offence.
  8. Police Vehicle Capabilities.
  9. Quality of Radio Communications.
- C. Once made, the decision to pursue is not irrevocable. It is often better to abandon a pursuit where the risk of danger to the officer or the public is high, or weather or road conditions are poor. No officer shall be disciplined for deciding to discontinue a pursuit.
- D. Efforts to obtain information that may lead to identifying the operator, occupants, or registered owner of a vehicle, and would allow investigation and potential prosecution without sustained high-speed pursuit, should be considered and tried whenever possible (i.e. CJIS- Criminal Justice Information System databases)

## II. Responsibilities of the Pursuing Officers [41.2.2(b)]

- A. Upon the initiation of a vehicular pursuit, the officer(s) shall:
1. Immediately communicate to dispatch that a vehicle is refusing to stop and provide his/her location and direction of travel;
  2. Provide the specific reason for attempting to stop the vehicle;
  3. **Request permission from the Officer In Charge/ Supervisor to engage in a pursuit**
  4. Provide a description of the suspect vehicle,
  5. Provide as much information as possible regarding the occupant(s),
  6. Communicate ongoing status and speed of the pursuit at regular intervals;

7. Actuate the cruiser's audio/visual warning devices until the pursuit is terminated;
8. Monitor all communications in order to coordinate with other units;
9. Adhere to all the requirements of M.G.L. c. 89, s. 7B, and all applicable case law at all times during the pursuit.

**NOTE:** No officer will undertake a pursuit in a vehicle that is not equipped with both emergency lights and a siren or in their personally owned vehicle. The use of emergency equipment, such as emergency LIGHTS AND SIREN, DOES NOT DEMAND THE RIGHT OF WAY - IT REQUESTS IT.

- B. Officer(s) shall terminate the pursuit: [\[41.2.2\(g\)\]](#)
1. If the offense is for motor vehicle violations and/or a misdemeanor,
  2. If the offence is for a nonviolent felony and the identity of the operator becomes known to the pursuing officer(s);
  3. When it becomes evident to the officer(s) involved in the pursuit that the risks to life and property begin to outweigh the benefit derived from the immediate apprehension or continued pursuit;
  4. Once it has been determined by the pursuing officer(s) that the pursuit cannot result in apprehension;
  5. When the officer-in-charge or the patrol supervisor determines that continuation would endanger the public beyond that justified by the reason for which the pursuit was undertaken and orders the pursuit to be terminated; or
  6. When there is an equipment failure, involving an emergency signaling device, radio, brakes, steering, or other essential mechanical equipment.
- C. Upon terminating a pursuit for any reason, the pursuing officer(s) shall notify the dispatcher of the location and direction of travel of the suspect vehicle at the time the pursuit is terminated.
- D. Officers shall avoid increasing the danger already created by the motorist being pursued and are cautioned that they are accountable for the consequences if there is a reckless disregard on their part for the safety of others.

### **III. Responsibilities of Assisting Officers [41.2.2(C)]**

- A. Once the pursuit is engaged, assisting officer(s) shall:
1. Not caravan the pursuit -- no more than two police units may actively pursue without specific orders from the Commanding Officer or the patrol supervisor. The secondary pursuit vehicle, designated by the Officer In Charge or patrol supervisor, may follow the pursuit to act as backup for the pursuing unit. The secondary pursuit vehicle shall be spaced appropriately and operate so as to allow for ample reaction time and distance in order to reduce the possibility of officer-involved accidents;
  2. Transmit on the radio only out of absolute necessity;
  3. Move into a tactically advantageous position to assist with the stop of the vehicle. Police units other than the two units actively involved in the pursuit (primary and secondary) are to remain alert to the direction and progress of the pursuit and may position themselves at strategic sites, within their assigned sectors, along the probable pursuit route for response to any exigencies that may develop. These units are not to be operated in an emergency mode;
  4. Adhere to all the requirements of Massachusetts General Laws Chapter 89, Section 7B, and all applicable case law at all times during the pursuit; and
  5. Upon receipt of the notice to terminate the pursuit, responding units shall discontinue emergency operation and return to their assigned sectors, unless otherwise directed by the officer-in-charge or the patrol supervisor.

### **IV. Responsibilities of the Officer in Charge of the Station [41.2.2(F)]**

- A. In all continued vehicular pursuit situations, command responsibility rests with the Officer In Charge.
- B. An officer not immediately involved in the pursuit is often in a better position to oversee objectively the pursuit and decide whether the pursuit should be continued and under what circumstances. Therefore, upon learning of a vehicular pursuit in progress, the Officer In Charge shall:
1. Identify the reasons for the pursuit

2. Authorize or deny officer's request for pursuit
3. Track the location of the pursuit;
4. Designate primary and secondary pursuit vehicles;
5. Review and consider the available facts of the pursuit;
6. Consider the potential and real dangers to be encountered; and
7. Order the termination of the pursuit when, in his/her opinion, the dangers created by the pursuit outweigh the need for immediate apprehension.

**V. Responsibilities of the Dispatcher [41.2.2(E)]**

- A. Upon being informed of a pursuit in progress, the dispatcher shall:
1. Immediately inform the Officer in Charge, who shall assume command of the pursuit;
  2. Immediately notify the patrol supervisor of the pursuit;
  3. Receive and record all incoming information on the pursued vehicle;
  4. Advise all other units that a pursuit is in progress, providing all relevant information;
  5. Perform relevant record and motor vehicle checks as expeditiously as possible;
  6. Coordinate assistance under the direction of the Officer In Charge;
  7. Notify the affected agencies over the radio system and seek their assistance, if a pursuit is proceeding, or may proceed into another jurisdiction;
  8. Continue to monitor the pursuit until it has been terminated; and
  9. Notify all affected agencies if and when a pursuit has been terminated, or if apprehension has been made.

## **VI. Physical Contact with the Suspect Vehicle**

- A. Intentional physical contact between a suspect vehicle and police cruiser is prohibited.

## **VII. Passing or Overtaking Suspect Vehicle**

- A. Vehicles being pursued should 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.

## **VIII. Use of Firearms During Pursuits**

- A. During pursuits, officers shall not discharge a firearm from within a moving vehicle.
- B. Firing strictly to disable a vehicle is prohibited.
- C. The discharge of firearms is governed by the **Framingham Police Use of Force Policy, 100-4, Section XI(G)**.

## **IX. Limited Access Highways**

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

## **X. Offensive Tactics**

- A. The use of roadblocks is prohibited.
- B. Tire deflation devices and road spikes are prohibited.

## **XI. Unmarked Police Vehicles and Motorcycles [\[41.2.2\(D\)\]](#)**

- A. Officers in unmarked police vehicles or motorcycles may initiate a pursuit if the vehicle is equipped with audible and visual warning devices approved by the department.
- B. Operators of unmarked police vehicles or motorcycles will relinquish the pursuit when a marked cruiser unit (as designated by the department) is in a position to conduct the pursuit.

## **XII. Non-Sworn Persons in Police Vehicles**

- A. At no time will sworn officers initiate or participate in a pursuit with non-sworn personnel in the police vehicle. This shall include, but not be limited to, prisoners, suspects, complainants, or witnesses.
- B. At no time will non-sworn personnel operating a police vehicle initiate or participate in a pursuit.

## **XIII. Multiple Officer Units**

- A. Any sworn officer in the pursuit vehicle, regardless of rank, shall order the pursuit discontinued if the officer feels that the risk of life and property have begun to outweigh the benefit derived from the immediate apprehension or continued pursuit of the suspect. Each officer in the pursuing vehicle must exercise his/her judgment as to when the risk has begun to be too great. No officer can be disciplined for discontinuing a pursuit.

## **XIV. Inter-Jurisdictional Pursuits [41.2.2(10)]**

### **A. Pursuits**

1. The officer-in-charge shall advise the dispatcher to notify surrounding jurisdictions of a pursuit initiated by officers of this department if it is likely that the pursuit will continue into their jurisdiction.
2. Framingham officers involved in an inter-jurisdictional pursuit shall follow the guidelines established in this policy.

### **B. Arrests**

1. Any police officer of this department may make an arrest outside his jurisdiction, but within the Commonwealth of Massachusetts, while in fresh and continued pursuit if:

- a. The offense is one for which he would have the, right of arrest without a warrant within his jurisdiction;
- b. The offense was committed in the officer's presence; and
- c. The offense was committed within his jurisdiction.
- d. See Middlesex County Mutual Aid Agreement

2. Outside of the Commonwealth of Massachusetts

- a. Any police officer "in fresh pursuit" may pursue and arrest a person who has committed a felony in Massachusetts into any other state provided that state has in force similar interstate felony fresh pursuit laws.
- b. New York and all New England states have such laws.

**XV. Intra-Jurisdictional Pursuits [41.2.2(11)]**

- A. If an outside agency notifies this department of a pursuit, the notification in itself shall not be construed to be a request to join the pursuit.
  - a. Officers shall not become involved in another agency's pursuit unless specifically authorized by the officer-in-charge.
  - b. If another agency requests assistance in a pursuit, and a unit from this department responds, the first unit to join the pursuit shall be designated as the backup unit, and all other departmental units will discontinue.
  - c. Framingham officers involved in an inter- jurisdictional pursuit shall follow the guidelines established in this policy.

**XVI. Communications During Pursuits**

- A. Communications during pursuits will be conducted on an "Emergency Transmit" basis only. Officers or supervisors should request that the communications center place the situation in emergency status until the situation is under control.

**XVII. Driving Practices During a Pursuit**

- A. The following driving practices shall be adhered to whenever any members of this department become engaged in a motor vehicle pursuit.
1. Seat belts shall always remain fastened during the pursuit.
  2. Both hands shall be kept on the steering wheel at all times, except in the case of a one-man unit, when it becomes necessary to have a freehand (for example, to make a radio transmission). The radio microphone should not be held continually as the cord can become entangled around the steering column when turns are made.
  3. The police vehicle should slow down when going into a curve and accelerate coming out of a curve. Officers should anticipate a decrease in the cruiser's braking ability during a pursuit involving repeated cornering.
  4. The police vehicle should be kept at such a distance from the pursued vehicle that a sudden stop of that vehicle will not result in a collision or accident.
  5. If it is necessary to enter an intersection contrary to a traffic signal or posted sign, the operator of the police vehicle shall bring the vehicle to a stop, in compliance with M.G.L. c. 89, §. 7B, and proceed only when certain that the way is clear.

## **XVIII. Vehicle Stops Resulting from Pursuits**

- A. If the pursued vehicle is stopped:
1. The police vehicle should be to the rear of the suspect's vehicle and slightly to its left to provide a safety corridor against passing traffic;
  2. The roof lightbar/or emergency flashers shall remain on;
  3. If it is nighttime, all available lights shall be used to illuminate the stopped vehicle; and
  4. The driver of the suspect vehicle may be ordered to turn the engine of his vehicle off and throw the keys outside the driver's door.
- B. When an officer leaves the police vehicle [s]he shall:
1. Carefully watch all occupants for unusual movements or change of position;
  2. Position him/herself to ensure that all occupants are clearly visible;

3. If there is reason to expect the occupant(s) to be armed, the officer shall:
  - a. Instruct all occupants to keep their hands in plain view (on top of their heads or out the windows);
  - b. Position him/herself in a safe tactical position; and
  - c. Await assistance.

SEE TRAFFIC MANAGEMENT AND ENFORCEMENT POLICY 300-4  
REFERENCE FELONY/HIGH RISK STOPS.

## **XIX. Review and Analysis [41.2.2(I)]**

- A. Whenever any officer of this department is involved in a vehicular pursuit, [s]he shall, before the end of his/her tour of duty, submit a report giving a full account of the pursuit.
- B. As soon as practicable, after the vehicular pursuit had occurred, the Professional Standards Lieutenant shall conduct an administrative review of the pursuit to determine if this policy was complied with and if the pursuit was conducted in the safest manner possible. The Deputy Chief of Operations will conduct this review if the Professional Standards Lieutenant was involved with the pursuit.
- C. The Professional Standards Lieutenant shall submit a complete report to the Chief of Police in the case of violations of departmental policy. The report shall include appropriate recommendations for policy review, modification, and other training.
- D. After review, the Chief of Police should implement any necessary changes identified through the review process.
- E. The Professional Standards Lieutenant shall conduct a documented annual analysis of all pursuits to include a review of policy and a review of reporting procedures. Factors to be considered when conducting the analysis are increases and decreases in the number of pursuits; day of the week; time of day/shift; original offense; reason for terminating the pursuit; whether forcible stopping was used; whether injuries or property damage; whether emergency lights and siren were used; whether a supervisor took control of the pursuit; years on the job (supervisor and primary officer), average length and distance of the pursuit; whether the pursuit left the jurisdiction or involved other agencies; and information on the subject. The analysis should end with a conclusion identifying

patterns or trends discovered and indicating whether training or policy revisions are needed. The documented annual pursuit analysis shall be submitted to the Chief of Police. [\[41.2.3; 41.2.2\(j\)\]](#)