

# NORTHAMPTON POLICE DEPARTMENT

## Administration & Operations Manual



### Policy: Pursuit of Motor Vehicles

**AOM: O-205**

Massachusetts Police Accreditation

Standards Referenced:

[41.2.2.b], [41.2.2.g], [41.2.2.c], [41.2.2.e], [41.2.2.i], [81.2.5.f], [41.2.2.f],  
[41.2.2.h]

Issuing Authority

Jody Kasper  
Chief of Police

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### I. Introductory Discussion

It is the policy of the Department that officers use only the force that is permissible under applicable federal and state laws and regulations. Officers shall make every attempt to apprehend a fleeing motorist, however attempts to apprehend motorists shall not be continued to such an extent as to unreasonably endanger the lives of uninvolved individuals, the suspect, or the officers involved. As a general rule, pursuit is not justified where the potential danger to the officer, general public, or suspect is greater than the potential advantage of apprehending the fleeing vehicle.

## II. Definitions: Failure to Stop vs. Pursuit

- A. A Failure to Stop situation exists when there is an attempt to apprehend a vehicle by an officer and the following conditions exist:
  - 1. The suspect is unaware of the officer's presence and efforts to apprehend the vehicle; or
  - 2. The suspect is aware of the officer's presence and refuses to stop, but the speed of the vehicle is not greater than reasonable within the existing conditions, and there is no attempt by the suspect to evade the officer by violating any laws, other than the failure to stop for the officer's signal.
- B. A Pursuit exists when an officer has made an effort to stop a vehicle and the following conditions exist:
  - 1. The offending vehicle is being operated at a speed that is greater than reasonable within the existing conditions, or;
  - 2. The suspect is attempting to evade apprehension by committing flagrant violations of the law, aside from the failure to stop the vehicle.

## III. Authorization

- A. An officer may continue to try to stop a driver when they have reason to believe that the suspect has committed a motor vehicle violation or the suspect or motor vehicle occupant has committed a criminal offense, provided that the officer's speed does not exceed a speed that is reasonable and proper for existing conditions.
- B. An officer is authorized to engage in the Pursuit of a vehicle that is attempting to evade apprehension as described above, **only** in the following situations:
  - 1. The pursuing officer(s) has probable cause to believe that the person who they are attempting to apprehend has committed a serious felony and represents a clear and present danger to public safety.
  - 2. When a motor vehicle operator, who has committed flagrant violations, was operating in a reckless manner before the pursuit was initiated, and is continuing to operate in a manner that recklessly endangers the lives and safety of others (i.e. operating under the influence of alcohol, etc.).
- C. The intention of this policy is to limit the use of pursuits to the most serious of circumstances, thereby effectively limiting the exposure of officers, suspects, and members of the public to the possible serious consequences of such pursuits.
- D. Pursuit is clearly inappropriate and 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.

- E. Only clearly marked police vehicles should be used for pursuits. Personal vehicles shall not be utilized in any pursuit. If an unmarked vehicle must undertake the initial pursuit, such vehicle shall immediately abandon the pursuit when a marked cruiser has intercepted and undertaken to continue the pursuit. [41.2.2,d]

## **IV. Guidelines**

- A. Each officer must use their discretion in determining whether or not to commence a pursuit and how to conduct the pursuit once it has been initiated. Many factors should have a bearing on their choice, but some of the major ones shall be as follows: [41.2.2,a]
  - 1. Proper authorization from the OIC or Patrol Supervisor.
  - 2. Ability to maintain radio communications with the station.
  - 3. Road conditions.
  - 4. Weather.
  - 5. Traffic conditions.
  - 6. Time of day.
  - 7. Type of vehicle involved.
  - 8. Nature of the offense.
  - 9. Officer's ability and experience with pursuit driving.
- B. Once made, the decision to pursue is not irrevocable, and it is the intelligent officer who knows when to discontinue the pursuit. It is often better to abandon the pursuit when the risk of danger to the officer or to the public is high or when weather or road conditions are poor. The experience and common sense of each officer and their knowledge of the area should also guide them in their decision.

## **V. Responsibilities of the Pursuing Officer [41.2.2, b]**

- A. If at all possible, the police officer should take preventive measures in an attempt to avoid a pursuit by immediately obtaining the attention of the occupant(s) of the vehicle so that they may choose to stop.
  - 1. The officer shall utilize the vehicle horn and activate the emergency blue lights. In the nighttime, care should be taken not to blind oncoming traffic.
  - 2. If the foregoing fails to effectuate a stop, the siren may be used.
- B. Once the decision to pursue has been made, the officer shall immediately make radio contact with the dispatcher and communicate the following information, in order that the OIC or Patrol Supervisor may determine whether or not the pursuit should be continued:
  - 1. The offense for which the vehicle and/or occupants are being pursued.
  - 2. Identity of the unit and of the officer(s) contained therein.
  - 3. The exact location, direction of travel, and speeds involved; and

4. Description of the vehicle and/or occupants being pursued.
- C. The emergency blue light(s) and/or other lights shall be immediately activated when the pursuit is undertaken.
- D. The use of siren is discretionary. The purpose of the siren is primarily to warn motorists of unusual vehicular movement. Each officer should recognize that a loud siren might cause some motorists to panic and over-react, thereby creating or adding to a dangerous situation.
- E. Officer(s) shall terminate the pursuit: [41.2.2,g]
1. When the officer receives a communication from the dispatcher, Officer-in-Charge (OIC), or Patrol Supervisor that the chase be terminated. They shall report to the dispatcher, the final location and direction of travel of the pursued vehicle at the time of termination.
  2. When the officer determines that the safety of the public, conditions of the road, weather, traffic, communications, or other factors so necessitate, they shall notify the dispatcher of their decision and relay the final location and direction of travel of the pursued vehicle at the time of termination.
  3. If at any time the pursuing officer(s) cannot maintain communication contact with the dispatcher through the use of the department radio, WMLEC cruiser radio, or cell phone, the officer(s) shall terminate the pursuit.
- F. In all attempt to stop and/or pursuit situations, officer(s) **shall provide a full written narrative of the incident to the OIC.**

## **VI. Responsibilities of Assisting Officers [41.2.2, c]**

Only one additional vehicle shall be directly involved in a pursuit unless the OIC or Patrol Supervisor specifically orders otherwise.

1. If other units are dispatched to assist, they shall respond as secondary response units and shall observe applicable traffic laws.
2. Secondary response units shall yield the right of way to the pursued and pursuing vehicles and will not become directly involved in the pursuit. Such units shall maintain a reasonable distance between themselves and the vehicle involved in the pursuit and shall be available to assist in apprehension.
3. Only units dispatched will respond to the vicinity of a pursuit for the purpose of assisting in apprehension.
4. Secondary response units shall transmit on the radio only out of absolute necessity. While a pursuit is in progress, all other personnel shall refrain from the unnecessary use of the radio.
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 Patrol Supervisor.

## VII. Responsibilities of the Dispatcher [41.2.2, e]

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

1. Immediately inform the Officer-in-Charge (OIC) and assume command of the pursuit under their direction.
2. Immediately notify the Patrol Supervisor of the pursuit and advise them to monitor the channel upon which the pursuit is occurring.
3. Advise all other units that a pursuit is in progress, providing all relevant information.
4. Notify the affected agencies if a pursuit is proceeding, or may proceed into another jurisdiction upon authorization of a command officer; and [41.2.2,i]
5. Request the State Police helicopter, if available, to monitor the route of travel of the suspect vehicle. [81.2.5, f]
6. Continue to monitor the pursuit until it has been terminated.

## VIII. Responsibilities of the Officer-in-Charge [41.2.2,f]

- A. The OIC shall provide adequate supervision of officers involved in a pursuit, and shall review all information available in order to provide commands regarding the activation, continuation and subsequent termination of the pursuit.

No officer shall engage in a pursuit without authorization from an OIC or Patrol Supervisor, or from the dispatcher acting under the express direction from an OIC or Patrol Supervisor.

- B. After the termination of a pursuit and before the end of their tour of duty, the Officer-in-Charge shall submit a Summary Report memo to the Operations Division Commander.

- C. Within three days after the pursuit, said Officer-in-Charge shall submit a ***Pursuit Evaluation Report*** in the VIPR application via the LEFTA software system.

Once completed, it shall be forwarded to the Operations Division Commander for review. If the pursuit involves the OIC, it shall be the responsibility of the Operations Division Commander to submit the report. If the software is not available, OIC's may use ***AOM O205.a Pursuit Evaluation Report***. ***Pursuit Evaluation Reports*** shall include the following: [41.2.2,i]

1. Date, time, and location of the pursuit.
2. Length of time involved and distance traveled.
3. Primary Officer(s) involved.
4. Any assisting officers/units and supervisors involved.
5. Initial reason for pursuit.
6. The department number designation of the cruiser(s) involved and the highest speeds attained.
7. Description of the suspect's vehicle and highest speeds attained.
8. Disposition of the pursuit:

- a. Termination by officer(s) involved or by the Officer-in-Charge.
  - b. Escape of suspect.
  - c. Apprehension of suspect.
  - d. Any injuries and how they were sustained.
  - e. If a traffic accident resulted, a summary of same.
  - f. Notifications that were made.
9. Additionally, if a traffic collision resulted, the following actions shall be taken:
- a. If the collision occurred within the jurisdiction of this city, a department collision report and investigation conducted by the OIC or Patrol Supervisor will be required; or
  - b. If the collision occurred outside the jurisdiction of the city, a copy of the investigating jurisdiction's collision report is to be obtained and included in the LEFTA **Pursuit Evaluation Report**.
- D. A narrative of the circumstances surrounding the incident, written by the officers involved, shall be attached to **Pursuit Evaluation Report**. [41.2.2,i]

***Note:*** Supervisors are only required to complete a **Pursuit Evaluation Report** for pursuit situations, not for attempts to stop.

- E. The Operations Division Commander shall brief the Chief of Police as to the circumstances of said pursuit.

## IX. Inter/Intra Jurisdictional Pursuits [41.2.2, h]

- A. In the case of any pursuit entering the limits of this city from another jurisdiction, no officer(s) of this department shall engage in said pursuit unless so ordered by the OIC or Patrol Supervisor.
1. No officer(s) of this department, assigned to provide assistance in such a pursuit, shall take over the pursuit unless ordered to do so by the OIC or Patrol Supervisor.
  2. The function of the assigned assisting officer(s) shall be to provide assistance to the primary pursuing law enforcement agency with the apprehension, should the pursued vehicle stop within the limits of this city. No officer(s) providing such assistance shall continue beyond the city limits, unless so ordered by the OIC or Patrol Supervisor.
- B. Upon authorization from the OIC or Patrol Supervisor, the dispatcher shall notify surrounding jurisdictions of a pursuit initiated by officers of this department if a possibility of the pursuit going into their jurisdiction exists.

## X. Prohibitions Regarding Pursuit

- A. Ramming Suspect Vehicle/Forcible Stopping: Intentional contact between a police vehicle and the vehicle pursued, or use of a police vehicle as a roadblock is prohibited.
  - 1. The use of the so called “rolling road block” or “box in” techniques, the heading off, ramming or driving along either side of a fleeing vehicle, or any other action using a police vehicle in front or to either side of a fleeing vehicle to attempt to compel said fleeing vehicle to slow, stop, or pull over is prohibited. Such actions could expose the pursuing officer(s), the occupant(s) of the fleeing vehicle, and the public to undue risk in that there is a likelihood that contact or collision with a police vehicle could result. Such actions also expose the pursuing officer to great risk in the event the operator and/or occupants of the fleeing vehicle are armed with a firearm. [41.2.3] & [61.3.4]
  - 2. NPD does not have or authorize the use of road spikes or tire deflation devices.
  - 3. The police vehicle should be maintained at such distance from the pursued vehicle so that a sudden stop or change in direction of the pursued vehicle will not result in a collision.
- B. Non-Sworn Persons in Police Vehicle: All pursuits are prohibited when the police vehicle is occupied by any person who is not a law enforcement officer.
- C. Firearms: An officer shall not discharge firearms while driving or occupying a vehicle engaged in pursuit except to defend themselves or others when being fired upon. In all such cases, every precaution shall be taken to ensure the safety of the general public in the vicinity.
- D. Limited Access Highways: Officers shall not pursue suspects the wrong way on limited access highways, their associated exit, or entrance ramps.
  - 1. In the event that a vehicle being pursued enters a limited access highway the wrong way, the pursuit vehicles should consider the following options:
    - a. Attempt to parallel the suspect vehicle on the proper side of the highway.
    - b. Direct other units to observe and intercept the vehicle at various on or off ramps available to the suspect vehicle.