



MOTOR VEHICLE PURSUIT

General Order Number: 35.2

Effective Date: July 9, 2024

PURPOSE: The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

POLICY: Vehicular pursuit of fleeing subjects may present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of the Brookline Police Department to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of this department to assist officers in the safe performance of their duties. To affect these obligations, it shall be the policy of the Brookline Police Department to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

M.G.L. Chapter 89 Section 7B: The driver of a vehicle of a fire, police, or recognized protective department and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then 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. The driver of any such approaching emergency vehicle shall comply with the provisions of section fourteen of chapter ninety when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing.

Vehicular pursuit is the motorized pursuit of another vehicle at speeds above the legal speed limit. Ours is a highly mobile society and this fact, coupled with the natural desire of a law violator to avoid arrest, may often result in situations that suggest the necessity of pursuit contrary to traffic laws and regulative signals.

A "high speed" pursuit is not recommended or favored, since the potential danger to the officer and the general public may outweigh the potential advantage of apprehending a fleeing vehicle by such means. Stated simply, pursuit is clearly inappropriate when the pursuit itself endangers life more than the escape of the person pursued. Delay, while distasteful, may be the wiser choice when the person is known and he or she poses no immediate threat to the community. This department recognizes that it is sometimes better to allow a suspect to temporarily escape than to jeopardize the safety of citizens and the officer in a high-speed pursuit.

Under certain circumstances, however, continuous high-speed pursuit may be authorized. When such pursuit is undertaken, the purpose should be to apprehend quickly and safely. Caution, nonetheless, is of utmost importance and an officer in a police vehicle does not thereby gain a license to endanger the lives of others simply for the sake of more rapid apprehension. When the pursuit would be authorized each officer must use his/her discretion in determining whether or not to commence a pursuit. Many factors should have a bearing on his/her choice, but some of the major ones include:

- Safety of officer, suspect and the public;
- Road conditions (weather and location);
- Traffic conditions;
- Time of day;
- Type of vehicle involved
- Nature of the offense.

FOR PURPOSES OF THIS POLICY, A MOTORIST SIMPLY FAILING TO STOP BUT NOT DRIVING AT EXCESSIVE SPEED DOES NOT CONSTITUTE A PURSUIT DRIVING SITUATION.

PROCEDURES:

- I. INITIATION OF PURSUIT:** The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- A.** Any officer in a marked police vehicle may initiate a vehicular pursuit when **ALL** of the following criteria are met:
- 1.** The suspect(s) exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor that would normally require a full custody arrest;
 - 2.** The suspect operating the vehicle refuses to stop at the direction of the officer and;
 - 3.** The suspect, if allowed to flee, may present a danger to human life or cause serious injury.
- B.** Only conspicuously marked police cars, fully equipped with emergency equipment shall be used for continuous pursuit at high speeds. If the initial pursuit must be undertaken by an unmarked police car, then the unmarked vehicle must immediately abandon pursuit when a marked police car has intercepted and undertaken to continue the pursuit. Only one vehicle shall be involved in a vehicular pursuit unless a Patrol Sergeant orders otherwise.

MOTORCYCLES SHALL NOT ENGAGE IN CONTINUOUS MOTOR VEHICLE PURSUIT.

C. No police officer shall use a personal or private motor vehicle to engage in a vehicular pursuit. An officer who witnesses a felony while in a personal or private motor vehicle shall notify the dispatch of:

1. Description of the vehicle involved;
2. Direction of travel;
3. The crime involved;
4. Any description he/she can of the occupants and/or driver.

The officer may then, with the permission of the patrol sergeant, follow the fleeing vehicle only if it is possible to do so in conformance to all traffic laws.

D. In instances where the pursuit is initiated in the Town of Brookline and continues outside of the Town's jurisdiction, only the pursuing unit, one secondary unit and the supervising unit shall continue the pursuit unless additional units are deemed necessary by a supervisor. Pursuing drivers and supervisors shall reevaluate the pursuit to determine if continuance of the pursuit is justified and or if assistance from other police agencies is available.

E. In instances where the pursuit has been initiated and is being controlled by another law enforcement agency, and that pursuit has entered the Town of Brookline, Brookline Police vehicles shall not join directly in the pursuit. Brookline Police vehicles shall monitor radio communications and shall be deployed and assist in the same manner as if a Brookline Police vehicle was directly involved.

II. Pursuit Officer Responsibilities: The pursuing officer shall immediately activate his or her emergency lights and siren and when safe to do so, shall notify dispatch that a pursuit is underway. The officer shall provide dispatch with the following information:

- A. Vehicle Identification;
- B. Location, speed and direction of travel of the fleeing vehicle;
- C. Description and license plate number;
- D. Number of occupants in the vehicle and descriptions, if possible;
- E. Reason for the pursuit.

1. Failure to provide this information to the dispatch personnel may result in an immediate decision by a patrol sergeant to order its termination.

2. The primary pursuit vehicle shall reduce the level of pursuit to that of support or backup where another vehicle has been assigned primary pursuit responsibility.

3. Any police vehicle sustaining substantial damage, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in

the pursuit. The unit shall notify dispatch so that another unit may be assigned to the pursuit.

- F. Intentional contact between a police vehicle and the vehicle pursued is strictly forbidden.**
- G.** Secondary response units shall yield the right of way to the pursued and pursuing vehicles and will not attempt to become involved in the pursuit. Such units shall maintain a reasonable distance between themselves and the vehicles involved in the pursuit and shall be available to assist in apprehension.
- H.** If the officer receives a communication from the Patrol Supervisor or Commanding Officer that the pursuit be terminated, he/she shall do so immediately. The officer shall report to the dispatcher the final location and direction of travel of the pursued vehicle at the time of termination. The officer in pursuit shall voluntarily terminate pursuit when he/she determines that the safety of the public, conditions of the road, weather, traffic or other factors so necessitate. The officer shall notify the dispatcher of his/her decision and relay the final location and direction of travel of the pursued vehicle at the time of termination.
- I.** Firearms shall not be discharged by any officer while driving or occupying a vehicle engaged in pursuit.
- J.** Vehicular pursuit is strictly forbidden when the police vehicle is occupied by any non-police personnel.

III. Dispatcher Responsibilities: Upon notification that a pursuit is in progress, the dispatcher shall immediately notify the Commanding Officer, who shall assume overall responsibility and monitor pursuit.

- A.** Advise all patrol cars to clear the communication airwaves. The dispatcher shall advise the patrol supervisor of all essential information regarding the pursuit.
- B.** Dispatchers shall carry out the following activities and responsibilities during the pursuit:
 - 1. Receive and record all incoming information on the pursuit and the pursued vehicle;
 - 2. Control all radio communications;
 - 3. Obtain criminal record and vehicle checks of the suspects;
 - 4. Notify neighboring jurisdictions via BAPER- 3 radio channel when pursuit may extend into their locality;
 - 5. Coordinate and dispatch backup assistance under the supervision of the Commanding Officer and the patrol supervisor;
 - 6. Replace any unmarked police cars or police motorcycles with a marked police

car as the lead pursuit vehicle as soon as possible.

IV. Patrol Supervisors' Responsibilities: Upon notification that a vehicular pursuit is in progress, the patrol supervisor shall assume responsibility for the monitoring and control of the pursuit in progress.

A. The patrol supervisor shall continuously review and evaluate the incoming pursuit information to determine whether the pursuit should be continued or be terminated. The patrol supervisor shall terminate a pursuit at any time they determine public safety is jeopardized.

B. In controlling the pursuit incident, the patrol supervisor shall be responsible for the coordination of the pursuit as follows:

1. Directing pursuit vehicles into or out of the pursuit;
2. Designation of primary support or other backup vehicle responsibilities;
3. Approval or disapproval, and coordination of pursuit tactics;
4. Approval or disapproval to leave jurisdiction to continue pursuit

C. The patrol supervisor may approve or assign additional backup vehicles or to assist the primary and backup pursuit vehicles based on an analysis of the following:

1. The nature of the offense for which the pursuit was initiated;
2. The number of suspects and any known propensity for violence;
3. The number of officers in the pursuit vehicles;
4. Any damages to police vehicles or officers;
5. The number of officers necessary to make an arrest at the conclusion of the pursuit;
6. Any other clear and articulate facts that would warrant the increase hazards caused by numerous pursuit vehicles.

V. Commanding Officer: The Commanding Officer –Platoon on Duty is in charge of the police officers on duty for any given shift. During any vehicular pursuit, the Commanding Officer- Platoon on Duty is to be notified and will assume overall responsibilities.

VI. Pursuit Tactics: Unless expressly authorized by a patrol supervisor, pursuit shall be limited to the assigned and primary backup vehicles. Other officers are to monitor the pursuit, take up strategic positions, use good judgment, and assist as needed.

A. Officers may not use their vehicle to intentionally bump or ram the suspect's vehicle in order to force the vehicle to a stop off the road or in a ditch.

B. Officers shall not pursue suspects the wrong way on highways. In such an event, officers should attempt to parallel the pursued vehicle on the proper side of the

highway. Other police vehicles should be directed to observe and intercept the pursued vehicle at the various intersecting streets.

C. Tire-deflating devices or road spikes are prohibited.

VII. Roadblocks: Department policy prohibits officers from engaging in or setting up any type of roadblock during a motor vehicle pursuit.

VIII. Incident Reporting:

A. Any officer who participates in a vehicle pursuit shall submit, no later than the end of tour of duty, the appropriate reports to the Chief of Police giving a full account of the pursuit and the reason(s) for his/her participation.

B. Patrol Supervisors shall submit a completed report on each motor vehicle pursuit by the end of his/her tour of duty. This report shall indicate if the pursuit was conducted in compliance with Department policies.

C. In all cases where a pursuit is terminated prior to the apprehension of all suspects involved, a complete report shall be made that includes all information related to the identity of the suspect(s) (if known) and the vehicle(s) involved. The case will then be assigned to the Detective Division for follow-up for the purpose of identifying and apprehending the suspect(s).

IX. Annual Analysis

A. The Office of Professional Responsibility shall conduct an annual review of all reports involving motor vehicle pursuits for the previous year. A review of incidents may reveal patterns or trends that indicate training needs and/or policy modifications. A report will be submitted to the Chief of Police.

These policies and procedures are to be followed in conjunction with all relevant existing statutes, Town by-laws, Departmental policies and procedures, and regulations.