



Lincoln Police Department

Standard Operating Procedures



Integrity, Competency, Fairness

Subject:	Pursuits	Policy #	O-37
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MLEAP:	7.15.A, 7.15.B, 7.15.C, 7.15.D, 7.16, 7.17, 7.20, 7.21, 7.22		
	<i>Rescinds All Previous Policies Related To This Current Policy</i>		MCJA Mandatory Policy
Issuing Authority:	Chief of Police		

I. POLICY:

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects. Tactics used to stop a fleeing vehicle may be considered a use of force. It is the policy of this law enforcement agency to regulate how vehicular pursuits are undertaken and performed. **BOT 2-1**

Given that this is a mandatory policy by statute, officers shall abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. **BOT 2-16**

II. PURPOSE

The purpose of this policy is to establish guidelines for the initiation, continuation, and termination of vehicular pursuits for the Lincoln Police Department

III. DEFINITIONS BOT2-3

Authorized Emergency Vehicle - A vehicle of this agency equipped with operable emergency equipment as designated by state law.

Caravanning - Direct participation in, or following of, a pursuit by emergency vehicles other than the primary and authorized secondary units.

Modified Roadblock – Blocking traffic on a roadway in a manner that provides an exit option, as well as a reasonable opportunity for a driver to in fact stop.

Primary Unit - The police unit immediately following the suspect vehicle.

Pursuit-Rated Vehicle - An authorized emergency vehicle that is specially designed and equipped for high-speed pursuits.

Secondary Unit - Any police unit that becomes involved as a backup to the primary unit and follows the primary unit.

Serious Bodily Injury - A bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health.

Stationary Roadblock – Blocking traffic on a roadway in a manner that denies any possible passage of a vehicle or in a manner that provides for no opportunity for a driver to in fact stop.

Terminate - To abandon or abort the pursuit.

Termination Point - The location where the pursuit is terminated or concludes.

Trail or Trailing - The following of a pursuit at any distance, to include paralleling, intercepting, or tracking.

Vehicular Pursuit - A deliberate attempt by an officer to apprehend a fleeing suspect who is actively attempting to elude apprehension.

Violent Crimes Against Persons – Defined in Title 17-A, Chapter 9, Offenses Against the Person; Chapter 11, Sex Assaults; Chapter 12, Sexual Exploitation of Minors; Chapter 13, Kidnapping and Criminal Restraint; and Chapter 27, Robbery.

IV. RULES & PROCEDURES

A. Officer Requirements for Involvement in a Vehicular Pursuit

1. The officer must have completed the Maine Criminal Justice Academy Emergency Vehicle Operations Course or have received a waiver for equivalent training.
2. The officer must be familiar with the applicable statutes pertaining to vehicle pursuits.
 - a. Title 15 <https://legislature.maine.gov/statutes/15/title15ch0sec0.html>
 - b. Title 17-A <https://legislature.maine.gov/statutes/17-A/title17-Ach0sec0.html>
 - c. Title 17-A §107. Physical force in law enforcement <https://legislature.maine.gov/statutes/17-A/title17-Asec107.html>
 - d. Title 29-A <https://legislature.maine.gov/statutes/29-A/title29-Ach0sec0.html>
 - e. Title 30-A <https://legislature.maine.gov/statutes/30-A/title30-Ach0sec0.html>

The officer is responsible for being familiar with the pertinent chapters of the most recent edition of the Maine Law Enforcement Officer's Manual (LEOM). **BOT 2-2**

B. Justification for Pursuit

Officers must base decision to pursue on what they reasonably believe is taking place or has taken place. Vehicle pursuits present grave danger to the officer, the public, and the offender(s). Action taken during a vehicle pursuit can only be justified by what a person reasonably believes.

1. An officer is only authorized to engage in a motor vehicle pursuit of a person they reasonably believe has committed or is committing;
 - a. A violent crime against a person, as defined in this policy or for whom there is an outstanding arrest warrant for a violent crime against a person.
 - b. The operator is suspected of operating under the influence of alcohol or drugs. When allowing the reckless or OUI driver to **CONTINUE WOULD PLACE THE PUBLIC IN IMMEDIATE DANGER**
2. Other than indicated above, an officer **WILL NOT ENGAGE** in a motor vehicle pursuit of a person who has committed solely property crimes, a traffic infraction, or a combination thereof.
3. **Pursuing Motorcycles**
 - a. An officer is only authorized to engage in a motor vehicle pursuit of a person they reasonably believe has committed or committing. A violent crime against a person, as defined in this policy, or for whom there is an outstanding arrest warrant for a violent crime against a person.
4. If, in the judgment of any officer, a pursuit by an outside agency is in violation of any part of this directive, the officer shall terminate their involvement in the pursuit immediately. When practical, the duty supervisor/OIC will ascertain the initial reason for the pursuit.

5. This policy does not prevent an officer from deploying termination devices to assist outside agencies during their pursuit. However, the officer must obtain permission from the duty supervisor/OIC, and upon deployment they are not to actively engage in the pursuit.

C. Initiation of pursuit

1. A pursuit is authorized only if the officer has a reasonable belief that the suspect, if allowed to flee, would present a danger to human life, or cause serious bodily injury. Pursuits based on minor violations are discouraged.
2. The decision to initiate a pursuit must be based on the pursuing officer's reasonable belief that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
3. Unless a greater hazard would result, a pursuit should not be initiated if the subject(s) can be identified with enough certainty that they can be apprehended at a later time.
4. In deciding whether to initiate or continue or terminate a pursuit, the officer shall consider the following. **BOT 2-5 MLEAP 7.15.A**
 - a. The seriousness of the offense;
 - b. Known suspect information;
 - c. Road configuration (e.g., interstate, divided highway, work zone);
 - d. Physical location and population density (e.g., residential area, school zone, business district);
 - e. Existence of vehicular and pedestrian traffic;
 - f. Lighting and visibility;
 - g. Weather and environmental conditions;
 - h. The relative performance capabilities of the officer and the pursuit vehicle and the vehicle being pursued;
 - i. Officer training and experience;
 - j. Available emergency warning equipment;
 - k. Speed and evasive tactics employed by the suspect;
 - l. The presence of other persons in the police and suspect vehicle; and
 - m. Any other condition or situation that would create an unreasonable risk.
5. A pursuit should not be initiated or engaged while providing transportation for any person other than law enforcement officers.

D. Pursuit Operations **BOT 2-7 MLEAP 7.15.B**

1. Upon undertaking a pursuit, the officer shall activate emergency lights, sirens, and camera systems, all such equipment shall remain activated for the duration of the pursuit, and the officer shall maintain a reasonable and safe distance.
2. Upon initiating a pursuit, the officer shall immediately notify Dispatch of the offense for which the pursuit was initiated, the location of the offending vehicle, the direction of travel, a description of the offending vehicle, and the number of occupants of the offending vehicle.
3. Dispatch shall notify an available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions. Dispatch will immediately check the registration information to identify the owner of the fleeing vehicle. **BOT 2-10**
4. The supervisor or senior officer assigned will have primary control over the pursuit.
5. A secondary unit shall be assigned by a supervisor, senior officer, or Dispatch. **BOT 2-8.** The officer so assigned shall:
 - a. Activate emergency lights, sirens, and camera systems, and such equipment shall remain activated for the duration of the pursuit;
 - b. Follow the primary pursuit vehicle at a reasonable and safe distance;

- c. Assume the responsibility of updating dispatch with the location and direction of travel of the pursuit; and
- d. Become the primary pursuit vehicle if the primary unit becomes disabled or otherwise unavailable to continue the pursuit.

6. If the pursuit was initiated by an officer operating an "unmarked" authorized emergency vehicle, the officer operating the unmarked vehicle will yield and relinquish that officer's role as the primary unit to an officer operating a marked vehicle as soon as practicable. At the supervisor's discretion, the officer operating the unmarked vehicle will then serve as the secondary unit. **BOT 2-11**

7. No pursuit should be conducted in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway unless not doing so would place the public in immediate danger.

8. Unless circumstances dictate otherwise, a pursuit should consist of no more than two police vehicles, a primary and a secondary unit. **BOT 2-11**

- a. All other personnel shall stay clear of the pursuit unless instructed by a supervisor to participate.
- b. Caravanning and trailing are prohibited. However, officers should monitor the progress of the pursuit and be prepared to assist.
- c. The number of vehicles engaged in a pursuit may be adjusted to fit the situation.
- d. A supervisor who has joined in the pursuit and supervises the units shall be considered an additional unit.
- e. The supervisor shall consider units from other jurisdictions in determining the number of vehicles participating.

9. Whenever possible, pursuit-rated vehicles should be utilized.

E. Supervisory Responsibilities **BOT 2-9 MLEAP 7.15.D**

- 1. Supervisors are responsible for managing any vehicular pursuits, including determining whether the pursuit should continue or be terminated.
- 2. When aware of a vehicular pursuit, the appropriate supervisor shall notify Dispatch that the supervisor is monitoring the pursuit and accepting supervisory responsibility.
- 3. The supervisor is responsible for:
 - a. Confirming the reason for the pursuit;
 - b. Monitoring incoming information;
 - c. Coordinating and directing activities as needed to ensure that proper procedures are used, to include ensuring that:
 - i. No more than the necessary number of units are involved,
 - ii. The appropriate radio channel is being used, and
 - iii. Surrounding jurisdictions are notified;
 - d. Terminating the pursuit when necessary; and
 - e. Responding to the termination point following a pursuit or otherwise ensuring that another supervisor so responds.

F. Pursuit Tactics

- 1. All officers involved in a vehicular pursuit shall wear a seat belt. **MLEAP 7.22**
- 2. Non-involved officers shall not follow the pursuit unless authorized by a supervisor.
- 3. Motorcycles should not be used for pursuits except in exigent circumstances and when weather and related conditions allow. Motorcycle units shall disengage when support from marked patrol units becomes available.

G. Pursuit Intervention Tactics **BOT 2-12**

All intervention tactics, short of deadly force, such as tire deflation devices and the Precision Immobilization Technique (PIT) maneuver, should be used when it is possible to do so safely and when the officer using such tactics has received appropriate training. The decision to use intervention tactics shall be based on careful consideration of all facts known to the officer and should be initiated when conditions permit. A supervisor's permission should be obtained before the use of intervention tactics.

1. Tire Deflation Devices **MLEAP 7.21**

Tire deflation devices are designed to be used against vehicles having at least four tires. Under no circumstances will tire deflation devices be used against the following unless the use of deadly force against all vehicle occupants is legally justified.

- a. Motorcycle
- b. ATV/UTV
- c. Tractor trailer units loaded with dangerous chemicals.
- d. Passenger buses that are carrying innocent passengers.

2. Roadblocks **MLEAP 7.20**

Only in the case of suspected violent fleeing felons whose escape poses a danger to life may officers set up a modified roadblock. Only in situations where deadly force is authorized may a stationary roadblock be used. To the extent that a roadblock constitutes a seizure under the Fourth Amendment, provisions of this agency's Use of Force policy apply.

H. Termination of Pursuits **BOT 2-6 MLEAP 7.15.E**

1. If, in the opinion of the pursuing officer, supervisor, or Chief Executive Officer, the potential danger to the public, officers, or violator, respectively, outweighs the necessity of apprehension, the pursuit will be terminated.
2. If another agency assumes control of a pursuit initiated by this agency, the supervisor overseeing the pursuit will decide this agency's continued involvement.
3. If a pursuing officer loses communication with Dispatch or the supervisor, the officer should consider terminating the pursuit.
4. No officer will be disciplined for discontinuing a pursuit.

I. Fresh Pursuit Across State and Country Boundaries **BOT 2-13**

An officer may pursue a vehicle across state lines only as permitted by law. (See 15 MRSA c. 7; 276 MA Gen. Law, Part IV, Title II, Chapter 276, Section 10A; NH Rev. Statutes, Title LIX, Chapter 614, Section 614:1). The following provisions apply:

1. A pursuit may continue into New Hampshire or Massachusetts if the operator or an occupant of the vehicle is suspected of having committed murder, or a Class A, B, or C crime,
2. A pursuit may continue into New Hampshire if the operator is reasonably suspected of operating under the influence (O.U.I.), and,
3. A pursuit must cease at the New Hampshire state line if the operator or an occupant of the vehicle is suspected only of having committed a Class D crime, other than OUI, a Class E crime, a traffic infraction, or civil violation.

An officer may not pursue a vehicle into Canada under any circumstances.

G. Post-Pursuit Procedures **MLEAP 7.16**

1. Whenever an officer engages in a pursuit, the officer shall file an agency incident report. The officer will also file a Maine Motor Vehicle Pursuit Report. The agency's command staff shall review these reports to determine compliance with policy. All videos of vehicular pursuits shall be reviewed. The Agency's Chief Executive Officer shall ensure that the Maine Motor Vehicle Pursuit Report is submitted to the Maine State Police Traffic Division. **BOT 2-15**
2. Any pursuit that results in a fatality, personal injury, or serious property damage shall be investigated by an agency not involved in the pursuit * **BOT 2-14**
3. This agency shall analyze police pursuit activity annually and identify any additions, deletions, or modifications warranted in agency pursuit policy or procedures. This analysis shall consider the following implications for the agency:
 - a. Policy.
 - b. Equipment.
 - c. Training.
 - d. Inter-Jurisdictional Issues.
4. Any vehicle involved in a pursuit should be inspected before returning to service.

V. ADJACENT JURISDICTION POLICIES

- A. It shall be the responsibility of the Chief of Police to meet with the Chief Law Enforcement Officers having concurrent or adjacent jurisdiction to discuss the Lincoln Police Department's policies regarding pursuit.

Motor Vehicle Pursuit Form - <https://www.frontlinepss.com/ia/lincolnme>