



Department of State Police General Order

Effective Date: September 27, 2023	Number: TRF-04
Subject: Motor Vehicle Pursuits	

Policy

A motor vehicle pursuit is justified when the necessity of the apprehension of a suspect outweighs the risk created by the pursuit.

Members shall continuously evaluate all circumstances surrounding a pursuit. If the degree of danger to the public, the pursuit member(s), and/or the suspect(s) is greater than the necessity for immediate apprehension, a pursuit should not be initiated, or if in progress, should be terminated.

Definitions

Deadly Force: Use of force intended to inflict, or reasonably be expected to cause, death or serious physical injury.

Densely Populated Area: An established city or town that is thickly settled and/or comprised of a business district marked by compactness, pedestrian and vehicular traffic.

Objectively Reasonable: This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are often required to make instantaneous judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used. *Graham v. Connor* 490 U.S. 386 (1989)

Serious Bodily Injury: Injury that involves a substantial risk of death, permanent or protracted disfigurement, or extended loss or impairment of the function of a body part or organ.

Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

Prohibited Pursuits

Members ***shall not*** pursue a fleeing vehicle into another state, UNLESS:

- The reason for attempting to stop the motor vehicle is a felony **AND**
- The member is specifically authorized by the Troop Duty Officer to continue the pursuit into another state.

Pursuits of motorcycles, mopeds and motorized scooters **are prohibited** unless:

- the suspect poses an imminent threat of death or serious bodily harm to the public or officers; **AND**
- The member is specifically authorized by the Troop Duty Officer to continue the pursuit.

The Troop Duty Officer shall:

- Immediately assume command and control when circumstances result in a request for a CODE 1 regarding pursuit of a motorcycle, moped or motorized scooter; and
- Terminate the pursuit, unless the suspect poses an imminent threat of death or serious bodily harm to the public or officers.

Initiating a Pursuit

If a violator fails to stop when signaled to do so and operates in such a manner as to avoid capture, members must first recognize the potential risk to public safety before initiating a pursuit. Consideration should be given to tactics that reduce the opportunity for a suspect to evade apprehension.

If the degree of danger to the public, the pursuit member(s), and/or the suspect(s) is greater than the need for immediate apprehension, a **pursuit should not be initiated or, if in progress, should be terminated.**

Factors to consider include:

- Offense;
- Density of the populated area;
- Volume of vehicular and pedestrian traffic;
- Probability of apprehension;
- Type of vehicle being pursued;
- Availability of assistance;
- Speed and driving behavior;
- Presence of passengers;
- Location, visibility, weather, road conditions, and the time of day; and
- Other circumstances or conditions which mitigate or aggravate hazards associated with the pursuit.

Termination of Pursuits

Members shall immediately terminate a pursuit when any of the following conditions exist:

- When a pursuit for a civil infraction, misdemeanor or non-violent felony enters into a densely populated area or heavily congested roadway;
- If radio communications with the Troop Duty Officer cannot be established or lapse during the pursuit;

Subject:	Motor Vehicle Pursuits	Number:	TRF-04
----------	-------------------------------	---------	---------------

- When the initiating member or Troop Duty Officer evaluates or determines that the totality of the circumstances or risk of continuing the pursuit are outweighed by the risk to public safety; and/or
- When ordered to do so by the Troop Duty Officer or any Department member holding the rank of Captain and above.

Termination orders shall be immediately acknowledged.

When a pursuit is terminated the member shall immediately deactivate all cruiser emergency visual and audible systems and discontinue actively following the motor vehicle.

Pursuit Responsibilities

Position	Duties
Primary Pursuit Member	<p>Shall:</p> <ul style="list-style-type: none"> • Request a CODE 1 and broadcast cruiser number, location, direction of travel, speed and traffic conditions; • Activate all emergency visual and audible systems; • Provide the original reason for the attempt to stop the motor vehicle, a vehicle description, and the visible-number of occupants in the vehicle; • Continuously broadcast the location, direction, speed, and road conditions; • Operate cruiser in accordance with General Order ADM-19A Vehicle Use and Maintenance, M.G.L. c. 89 §7B and continuously evaluate the risk to public safety; • Advise the Troop Duty Officer of any crashes; • Ensure that rendering assistance to injured parties takes precedence over the continuation of the pursuit; and • Conduct a comprehensive follow-up investigation in the event the operator eludes apprehension.
Barracks Desk Officer	<p>Shall:</p> <ul style="list-style-type: none"> • Verify the Troop Dispatcher has notified the Troop Duty Officer of the pursuit; • Receive, record, and coordinate information on the pursuit and the pursued vehicle with the Troop Duty Officer, Dispatcher and other law enforcement agencies; and • Ensure that all pertinent information regarding the pursuit is entered into the Daily Administrative Journal (DAJ) and forwarded to the Troop Duty Officer.

Subject:	Motor Vehicle Pursuits	Number:	TRF-04
----------	-------------------------------	---------	---------------

Pursuit Responsibilities,
continued

Position	Duties
Assisting Pursuit Member(s)	<p>Shall immediately:</p> <ul style="list-style-type: none"> • Notify the Troop Duty Officer of their participation in the pursuit; • Maintain a safe distance behind the primary unit, but be close enough to provide aid; and • Assume radio communication if and when required. <p><u>Only three (3) State Police vehicles should engage in an active pursuit.</u> The Troop Duty Officer may permit additional State Police members to assist in a pursuit if they determine extenuating circumstances which warrant additional assistance.</p> <p>State Police vehicles not directly engaged in the pursuit, but in close proximity to the pursuit, shall immediately notify the Troop Duty Officer.</p> <p>These members shall position themselves on alternate/parallel roadways to provide assistance in the event the suspect eludes the pursuit member(s) or flees on foot; or as otherwise directed by the Troop Duty Officer.</p>
Troop Duty Officer	<p>Shall:</p> <ul style="list-style-type: none"> • Immediately initiate a CODE 1; • <u>Personally broadcast</u> that they have assumed “Command and Control” of the pursuit; • Ascertain the cruiser number(s) of the involved member(s); location, direction of travel, speed, and traffic conditions; • Determine the original reason for the attempt to stop the motor vehicle; • Obtain the vehicle description, including plate number, if known, and number of occupants; • Continuously evaluate the risk to the public, and the pursuit member(s), as such risks relate to the necessity for immediate apprehension;

Subject:	Motor Vehicle Pursuits	Number:	TRF-04
----------	-------------------------------	---------	---------------

Pursuit Responsibilities,
continued

Position	Duties
Troop Duty Officer	<ul style="list-style-type: none"> • Utilize State Police Air Wing (if available); • Direct State Police K-9 units to respond to the general area (if available); and • Direct State Police assets with tire deflation devices to respond to the general area, if available, and deploy devices when applicable. <p><u>Mandatory Termination</u> In the event the pursuit member fails to transmit the required information to the Troop Duty Officer, said Troop Duty Officer shall terminate the pursuit.</p> <p>If the degree of danger to the public, the pursuit member(s), and/or the suspect(s) is greater than the necessity for immediate apprehension, a <u>pursuit should not be initiated, or if in progress, should be terminated.</u></p> <p><u>Authority</u> Regardless of the rank of the pursuit member, the Troop Duty Officer shall remain in command and control of the pursuit for the entire duration.</p> <p><u>Inter-Troop Pursuits</u> The Troop Duty Officer of jurisdiction shall assume command and control once the pursuit enters their Troop. Adjoining Troop Duty Officers shall be notified of pursuits that are in close proximity to their jurisdiction and may enter into their area of responsibility.</p> <p>When a pursuit enters into a different Troop, the originating Troop Duty Officer shall remain in command and control until the adjoining Troop Duty Officer personally broadcasts that they have assumed “Command and Control” of the pursuit.</p> <p><u>Note: Only the Troop Duty Officer from the originating Troop shall complete the pursuit evaluation.</u></p>

Subject:	Motor Vehicle Pursuits	Number:	TRF-04
----------	-------------------------------	---------	---------------

Pursuit Responsibilities,
continued

Position	Duties
Troop Duty Officer	<p><u>Inter-Jurisdictional Pursuits</u> Troop Duty Officers shall notify other law enforcement agencies when a State Police pursuit is within their primary jurisdiction. The Troop Duty Officer shall factor into their pursuit continuation consideration any additional information provided by the other law enforcement agency.</p> <p>The Troop Duty Officer shall specifically state to the other law enforcement agency whether they are requesting their assistance or whether it is a courtesy notification with <u>NO</u> participation requested.</p> <p>Troop Duty Officers shall be responsible for the notification(s) but may authorize a designee to conduct the notification on their behalf.</p> <p><u>Out of State Pursuits</u> If a felony has been committed, the Troop Duty Officer may authorize the pursuit member(s) to continue to pursue into another state. If this occurs, the Troop Duty Officer shall immediately:</p> <ul style="list-style-type: none"> • Notify the law enforcement agency of jurisdiction and request their assistance; • Require that the first out-of-state law enforcement vehicle that joins the pursuit become the primary pursuit vehicle; • Direct the Massachusetts State Police vehicle to become a backup unit; and • Direct the MSP member(s) involved to return to the Commonwealth as soon as the pursuit investigation is terminated. <p><u>Crash/Injury Investigations</u> The Troop Duty Officer shall assign a supervisor to investigate all crashes and injuries associated with a State Police pursuit. A supervisor from the Troop in which the crash/injury occurred will be assigned the investigation.</p>

Subject:	Motor Vehicle Pursuits	Number:	TRF-04
----------	-------------------------------	---------	---------------

Other Law Enforcement Agency Pursuits

Once a law enforcement agency notifies the State Police that they are in pursuit the caller must be identified and specifically asked:

- Whether they are making a request for State Police assistance; or
- Making a courtesy notification with NO State Police participation requested.

Once a request for assistance is made, the Troop Duty Officer shall determine if the State Police shall participate. If approval is granted, State Police member(s) shall act as a secondary unit to the other agency's officer unless otherwise directed by the Troop Duty Officer.

All State Police members directly or indirectly involved in a pursuit initiated by another law enforcement agency shall adhere to all the requirements established in State Police General Orders, as well as Rules and Regulations.

Pursuit Driving Tactics

Reckless/Hazardous Driving – Members shall not duplicate the reckless operation displayed by fleeing suspects. Members are strictly prohibited from wrong way operation.

Deliberate Contact – A form of forcible stopping using a Department vehicle to intentionally make contact with a violator's vehicle in order to functionally damage or force the violator's vehicle to stop.

- Deliberate contact may be considered a use of deadly force;
- May only be initiated when the violator poses an imminent threat of death or serious bodily harm to the public or members;
- Should only be utilized when all other attempts to stop the violator's vehicle are, or would likely be, unsuccessful;
- Shall be utilized only when authorized and ordered by the Troop Duty Officer, Troop Commander or sworn Command Staff Member unless:
 - The exigent application of deliberate contact prior to authorization is warranted by the immediacy of the exigency. (Ex: vehicle driving towards a crowd)
- All deliberate contact incidents shall be investigated as a use of force incident in accordance with UOF-03 Use of Force Reporting.

Tire Deflating Devices – Should be considered as an effective option for bringing a pursuit to conclusion for passenger vehicles only. The use of these devices is prohibited for motorcycles, mopeds, motorized scooters, buses, and trucks. (Refer to TRF-21 for additional details.)

Caravanning - Only three (3) State Police vehicles should engage in active pursuit. The Troop Duty Officer may permit additional State Police members to assist in a pursuit if they determine that extenuating circumstances warrant additional assistance.

Pursuit Driving Tactics,
continued

Units Paralleling – Additional State Police members may operate with emergency visual and audible systems activated and assist by paralleling the pursuit or pre-position themselves at likely avenues of escape. These assisting units should refrain from direct/active pursuit unless specifically authorized by the Troop Duty Officer.

Passing – Attempts to pass another police vehicle are strictly prohibited, unless the police vehicle is disabled or ordered by the Troop Duty Officer.

Spacing – All units in pursuit shall space themselves at a safe distance to ensure proper braking and reaction time.

State Police Motorcycles – SHALL NOT be involved in a pursuit.

Unmarked State Police Vehicles – Members operating unmarked State Police vehicles shall only engage in pursuits if the vehicles are equipped with emergency visual and audible systems. Members shall allow a marked/semi-marked unit to assume the primary pursuit position at the earliest opportunity. The unmarked vehicle shall then become the assisting unit until an additional marked/semi marked State Police vehicle can assume the secondary role. Once three (3) marked/semi marked State Police vehicles have become actively involved in the pursuit, the unmarked vehicle should disengage from the pursuit unless specifically authorized by the Troop Duty Officer to continue involvement in the pursuit.

Non-Department Vehicles – Members are prohibited from initiating or engaging in an ongoing pursuit in a Non-Department Vehicle, unless an imminent threat of death or serious bodily harm to the public or officer(s) exists and/or so ordered by the Troop Duty Officer of jurisdiction.

Post Pursuit Documentation and Review

Position	Duties
Primary Pursuit Member	<ul style="list-style-type: none"> • Provide the Troop Duty Officer with relevant information so they can complete the electronic RAMS Pursuit Evaluation Form; and • Complete a written incident or arrest report.
Troop Duty Officer	<ul style="list-style-type: none"> • Ensure that the Desk Officer has entered all pertinent information into the DAJ and the entry is forwarded to Troop Headquarters; • Complete all required entries in the Troop Headquarters DAJ; • Ensure that the Troop Headquarters DAJ entry is included in the Daily AM Report; • Complete the electronic RAMS Pursuit Evaluation; and • Ensure a follow-up investigation occurs for suspects who elude apprehension.
Deputy Superintendent	<ul style="list-style-type: none"> • Appoint members to the Pursuit Review Committee.

Subject:	Motor Vehicle Pursuits	Number:	TRF-04
----------	-------------------------------	---------	---------------

Post Pursuit Documentation and Review, continued

Pursuit Review Committee	<ul style="list-style-type: none"> • Examine each pursuit and ensure compliance with this policy and report their findings to the Deputy Superintendent; • Refrain from reviewing any pursuits in which they were personally involved; and • Conduct and document an annual analysis of all pursuits in accordance with Accreditation standards including, but not limited to identifying patterns or trends discovered and indicate whether training or policy revisions are needed.
--------------------------	--

References: ADM-19A Vehicle Use and Maintenance;
 TRF-12 Traffic Crash Investigations;
 TRF-21 Tire Deflation Devices;
 UOF-03 Use of Force Reporting;
 21-SM-04 TRF-04 Motor Vehicle Pursuits;
 M.G.L. c. 89, §7B;
 MPAC: 41.2.2, 41.2.3.

Promulgated By: **John E. Mawn Jr., Colonel/Superintendent**