



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

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|---------------------------|--|------------------------------|----------------|
| Subject: | Pursuits | Policy # | 0-37 |
| Effective Date: | January 5, 2026 | Review: | 2 Years |
| Distribution: | All Sworn Personnel | # of pages: | 8 |
| MLEAP: | 7.15-F, 7.16, 7.17, 7.20, 7.21, 7.22 | MCJA Mandatory Policy | |
| | Rescinds All Previous Policies Related To This Current Policy | | |
| Issuing Authority: | Chief of Police Daniel Merrill | | |

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 the Orono Police Department to regulate how vehicular pursuits are undertaken and performed. **BOT 2-1**

Given that this is a statutorily mandatory policy failure to comply with this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees may result in Board action against an officer's certification. **BOT 2-16**

II. PURPOSE

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

III. DEFINITIONS **BOT 2-3**

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 unauthorized 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 – For the purposes of this policy, any crimes defined in M.R.S.A 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. PROCEDURES

A. Officer Requirements for Involvement in a Vehicular Pursuit **MLEAP 7.15.D**

1. The officer must have completed the Maine Criminal Justice Academy (MCJA) Emergency Vehicle Operations Course (EVOC) or have received a MCJA Board of Trustees' waiver for equivalent training to become actively involved in a pursuit.
2. Officers are responsible for being familiar with the applicable statutes in M.R.S.A Titles 15, 17-A, 29-A, and 30-A of the Maine Revised Statutes, including the permissible use of non-deadly and deadly force, as outlined in 17-A M.R.S. § 107, and pertinent chapters of the Maine Law Enforcement Officer's Manual. **BOT 2-2**

B. Justification for a Pursuit **MLEAP 7.15.A**

1. Officers must base the 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.
2. An officer is only authorized to engage in a motor vehicle pursuit of a person they reasonably believe has committed or is committing:
 - i. 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 as defined by this policy.
 - ii. 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**
 - iii. 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. **MLEAP 7.15.B**
 - iv. **Pursuing Motorcycles:** 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, as defined by this policy.
3. 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.
4. 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 a 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 conclusion 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 will reasonably result, a pursuit should not be initiated if the subject(s) may be identified with enough certainty that they can be apprehended at a later time.
4. In deciding whether to initiate or continue a pursuit, the officer shall consider the following:

BOT 2-5

 - i. The seriousness of the offense;
 - ii. Known suspect information.
 - iii. Road configuration (e.g., interstate, divided highway, work zone);
 - iv. Physical location and population density (e.g., residential area, school zone, business district);
 - v. Existence of vehicular and pedestrian traffic;
 - vi. Lighting and visibility;
 - vii. Weather and environmental conditions;
 - viii. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - ix. Officer training and experience, including the relative performance capabilities of the pursuing officer(s);
 - x. Available emergency warning equipment;
 - xi. Speed and evasive tactics employed by the suspect;
 - xii. The presence of other persons in the police and suspect vehicle; and
 - xiii. Any other condition or situation that would create an unreasonable risk

D. Pursuit Operations

BOT 2-7

MLEAP 7.15.C

1. Upon initiating 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 the Communications Center of the following:
 - i. The offense for which the pursuit was initiated, the location, direction of travel, description of the vehicle, and, if known, the number of occupants.
 - ii. Officers operating "unmarked" authorized law enforcement emergency vehicles may initiate a pursuit. However, when a marked vehicle becomes available to take over as the primary unit, the unmarked vehicle will yield and serve in a secondary or backup role.

BOT 2-11

- iii. Communications personnel shall notify an available supervisor or senior officer of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions. Communications will immediately check the registration information in an attempt to identify the owner of the fleeing vehicle.

BOT 2-10

- iv. The supervisor or senior officer will have control over the pursuit.
- v. The back-up to the primary pursuit officer shall be assigned by a supervisor, senior officer, or Communications, and will **BOT 2-8**
 - a. activate emergency lights, sirens, and camera systems for the duration of the pursuit.
 - b. follow the primary pursuit vehicle at a safe distance.
 - c. assume the responsibility of updating Communications with the location and direction of travel of the pursuit.
 - d. become the primary pursuit vehicle if the primary unit becomes disabled or otherwise unavailable.
- vi. Unless circumstances dictate otherwise, a pursuit should consist of no more than two police vehicles. **BOT 2-11**
 - a. All other personnel shall stay clear of the pursuit unless instructed to participate.
 - b. Caravanning and trailing are prohibited. However, officers should monitor the progress of the pursuit and be prepared to assist if directed by a supervisor.
 - c. With supervisory approval, 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
- vii. 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.
- viii. Whenever possible, pursuit-rated law enforcement emergency vehicles should be used.

E. Supervisory Responsibilities

BOT 2-9

MLEAP 7.15.E

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 supervisor shall notify the Communications Center that the supervisor is monitoring the pursuit and accepting supervisory responsibility.
3. The supervisor is responsible for:
 - i. Confirming the reason for the pursuit;
 - ii. Monitoring incoming information;
 - iii. Coordinating and directing activities as needed to ensure compliance with proper procedures to include ensuring that:
 - a. No more than the necessary number of units are involved,
 - b. The appropriate radio channel is being used,
 - c. Surrounding jurisdictions are notified;
 - d. Terminating the pursuit when necessary
 - e. Responding to the termination point, if possible.

F. Pursuit Tactics

1. **All officers involved in a vehicular pursuit shall wear seat belts. *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

1. All intervention tactics comprising of the use of nondeadly 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 and is engaging the tactic in the manner intended for its use. 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. If possible, a supervisor's permission will be obtained before the use of intervention tactics.

2. Tire Deflation Devices

MLEAP 7.21

- i. Tire deflation devices are designed to be used against conventional vehicles having at least four tires. Use of tire deflation devices against motorcycles and all-terrain vehicles (ATVs) substantially increases the risk of bodily injury or death to the vehicle's operator and passengers. Unless the use of deadly force is legally justified, tire deflation devices may not be used against a motorcycle or all-terrain vehicle. Tire deflation devices may not be used against vehicles carrying dangerous chemicals or passenger buses carrying innocent passengers.

3. Precision Immobilization Technique (PIT)

- i. The PIT maneuver is **prohibited**

4. Roadblocks

MLEAP 7.20

- i. A roadblock must have an "avenue of escape" unless deadly force is justified. A roadblock should afford the operator of a pursued vehicle an opportunity to in fact stop unless deadly force is justified under the circumstances. To the extent that a decision to establish a roadblock may be a decision to employ deadly force, the provisions of the agency's Use of Deadly Force Policy apply.

H. Termination of Pursuits

MLEAP 7.15.F

1. If, in the opinion of the pursuing officer, supervisor, or Chief Executive Officer, the potential danger to the violator, uninvolved persons, or law enforcement personnel outweighs the necessity of apprehension, the pursuit will be terminated.
2. If an outside agency assumes control of a pursuit, the supervisor overseeing the pursuit will decide this agency's continued involvement.
3. A factor to be considered in continuing a pursuit is the request by an outside agency that a pursuit in its jurisdiction be terminated.
4. A factor to be considered in continuing a pursuit is when the pursuing officer loses communication with the Communications Center or the supervisor-

5. No officer will be disciplined for discontinuing a pursuit.

I. Fresh Pursuit Across State and County Boundaries

1. 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).
2. A pursuit may continue into New Hampshire or Massachusetts if there is probable cause to believe the operator or an occupant of the vehicle is suspected of having committed murder, or a Class A, B, or C crime.
3. In addition, a pursuit may continue into New Hampshire if there is probable cause to believe the operator is operating under the influence.
4. An officer may not pursue a vehicle into Canada under any circumstances.

V. POST PURSUIT PROCEDURES

MLEAP 7.16

- A. 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 the policy.
- B. The Chief Executive Officer shall ensure that the Maine Motor Vehicle Pursuit Report is submitted to the Maine State Police Traffic Division. **BOT 2-15**
- C. Any pursuit that results in a fatality, personal injury, or property damage shall be investigated by an agency not involved in the pursuit. **BOT 2-14**
- D. This agency shall analyze police pursuit activity annually and identify any additions, deletions, or modifications warranted in agency pursuit procedures. This analysis shall consider the following implications for the agency:
 1. Policy.
 2. Equipment.
 3. Training.
 4. Inter-Jurisdictional Issues.
- E. Any vehicle involved in a pursuit will be inspected before returning to service.

VI. ADJACENT JURISDICITON 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 Orono Police Department's policies regarding pursuit.

State of Maine
Motor Vehicle Pursuit Form

1. **AGENCY SUBMITTING REPORT:** _____ TROOP: _____

2. **PRIMARY PURSUIT OFFICER:** _____ RANK: _____
YEARS OF LAW ENFORCEMENT EXPERIENCE: FULL TIME: _____ PART TIME: _____
EVOC TRAINING: YES NO YEAR COMPLETED: _____

3. **INCIDENT:** DATE ____ / ____ / ____ DAY OF WEEK _____ TIME STARTED _____
TIME ENDED _____ TOTAL MILES TRAVELLED _____
LOCATION PURSUIT BEGAN (ROAD / TOWN) _____
LOCATION PURSUIT ENDED (ROAD / TOWN) _____

4. **WEATHER CONDITIONS:** CLEAR CLOUDY RAIN SNOW DRIZZLE
FOG OTHER _____

5. **ROAD CONDITIONS:** CLEAR DRY WET SNOW/ICE (SANDED)
SNOW/ICE (NOT SANDED) OTHER _____

6. **ROAD TYPE:** LIMITED ACCESS (INTERSTATE/TURNPIKE) SECONDARY
BOTH OTHER _____

7. **LOCALE TRAVELED THROUGH:** URBAN RURAL BOTH OTHER _____

8. **SPEED DURING MAJORITY OF PURSUIT:** _____ MPH

9. **PRIMARY PURSUIT VEHICLE:** MARKED SEMI-MARKED UNMARKED
DEPARTMENT _____

SECONDARY POLICE PURSUIT VEHICLE(S):

A. MARKED SEMI-MARKED UNMARKED DEPARTMENT _____

B. MARKED SEMI-MARKED UNMARKED DEPARTMENT _____

C. MARKED SEMI-MARKED UNMARKED DEPARTMENT _____

10. **INITIATING EVENT:** M/V VIOLATION FELONY SUSPECT SUSPECTED OUI
CRIMINAL ACTIVITY OTHER (SPECIFY) _____

11. **TERMINATING EVENT:**
SUSPECT VOLUNTARILY STOPS PRIMARY OFFICER DISCONTINUES
SUSPECT VEHICLE SPINOUT POLICE VEHICLE SPINOUT
SUSPECT VEHICLE DISABLED POLICE VEHICLE DISABLED
SUSPECT VEHICLE COLLISION POLICE VEHICLE COLLISION
SUSPECT VEHICLE ELUDED POLICE OFFICER ORDERED TO TERM INATE
CONTINUED BY ANOTHER AGENCY IMMOBILIZATION ROADBLOCK
TIRE DEFLATING DEVICE OTHER INFORMATION: _____

12. **ACCIDENT INFORMATION:**

ACCIDENT: YES NO
RECONSTRUCTION: YES NO

SUSPECT VEHICLE ALONE
POLICE VEHICLE ALONE
SUSPECT VEHICLE W/ PED
POLICE VEHICLE W/ PED
SUSPECT VEHICLE W/ OTHER VEHICLE
POLICE VEHICLE W/ OTHER VEHICLE
POLICE VEHICLE W/ SUSPECT VEHICLE

13. **INJURIES:** YES NO # INJURED # KILLED

POLICE OFFICER(S) _____
SUSPECT(S) _____
SUSPECT PASSENGER(S) _____
PEDESTRIAN(S) _____
OTHER MOTORIST(S) _____

14. **SUSPECT INFORMATION:** NAME: _____
DOB: ___/___/___ STREET/P.O. BOX: _____
AGE: _____ TOWN/CITY: _____ STATE: _____ ZIP: _____
SEX: M F RACE: WHITE BLACK ASIAN NATIVE AMERICAN
HISPANIC UNKNOWN OTHER: _____

15. **MOST SERIOUS CHARGE:** _____
ARRESTED SUMMONS ONLY OTHER: _____

16. **ALCOHOL / DRUG INVOLVEMENT** (Ingested not merely present): YES NO

17. **OFFICER'S DETERMINATION OF REASON FOR FLIGHT:** _____

18. **PERSON SUBMITTING REPORT:** NAME/RANK: _____

SIGNATURE: _____ **DATE:** ___/___/___

APPROVED BY: _____ **DATE:** ___/___/___
Supervisor