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# SPRINGFIELD POLICE DEPARTMENT

## GENERAL ORDER

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NUMBER:	DATE:
TRF-3	February 1, 2023
MPAC STANDARDS: 1.1.7, 41.2.2, 41.2.3, 41.2.4	
SUBJECT:	
VEHICLE PURSUIT	

### I. Purpose

The primary purpose of this policy is to strike a balance between the high-risk nature of vehicle pursuits and police officers' obligation to enforce laws and apprehend violators.

### II. Policy

Vehicular pursuits are inherently dangerous and, therefore, create a risk of injury and fatalities to the pursuing officer(s), the occupant(s) of the pursued vehicle, and the public at large. While vehicle pursuits may sometimes be necessary to enforce criminal laws, officers must balance protecting the lives and safety of the public, officers, and the subject against the duty to enforce the law and apprehend subjects.

Officers may engage in pursuit only when they have a reasonable suspicion that a fleeing suspect has committed or attempted to commit a felony crime of violence and the subject's escape would pose an imminent danger of death or serious bodily injury to the officer or another person. Pursuits for property offenses, misdemeanor offenses, traffic, or civil infractions are prohibited. Officers must receive supervisory approval before initiating the pursuit.

### III. Guidelines and Considerations

1. As of this effective date, this order supersedes all other rules, regulations, procedures, orders, bulletins, and directives of the Springfield Police Department.
2. Violation of this order will be considered misconduct, subject to disciplinary action under the written directives of the Springfield Police Department.

### IV. Definitions

**Authorized Police Vehicle:** Any department-issued vehicle whose use is authorized by a superior officer, equipped with operable emergency warning equipment:

- a. Marked or Unmarked Cruiser
- b. Undercover (UC) Vehicle Equipped with Emergency Warning Equipment
- c. Motorcycle and Dual-Purpose Motorcycle
- d. Bicycle

- e. K-9 Vehicle
- f. Transport Van

**Eluding:** An Eluding driver increases speed, takes evasive action, and/or refuses to stop despite a member's signaling to stop by hand, voice, emergency lights, and/or siren even after a reasonable amount of time to yield or stop has passed.

**Reasonable Articulate Suspicion (RAS):** Suspicion based on specific, objective, articulable facts, taken together with the member's training and experience, that a person has committed, is committing, or is about to commit a crime.

**Probable Cause (PC):** When a member has knowledge of facts that would lead a reasonable person to believe that a crime has, is or is about to occur and that the person identified is responsible for the crime.

**Primary Unit:** The law enforcement vehicle driven by an officer who initiates a pursuit, or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the eluding vehicle).

**Secondary Unit:** Any law enforcement vehicle which becomes involved as a backup to the Primary Unit and follows the Primary Unit at a safe distance.

**Springfield Emergency Communications (SEC):** Dispatch Center operated by the Springfield Fire Department. Responsible for dispatch and emergency communications for the Springfield Police Department.

**Terminate:** To discontinue the pursuit of an eluding vehicle.

**Vehicular Pursuit:** An active attempt by an officer in an authorized police vehicle, with emergency warning equipment activated, to apprehend one or more occupants of another moving vehicle, when the officer reasonably believes that the driver of the other moving vehicle is resisting apprehension by increasing the vehicle's speed, intentionally ignoring the officer, or otherwise attempting to elude the officer.

## V. Procedures

### A. Authorized Vehicular Pursuits

1. An officer may, within the posted speed, engage in a pursuit of any motor vehicle operating in conformance with posted speed limit and other traffic laws, under any circumstance justifying a lawful motor vehicle stop.
2. No officer shall engage in a vehicular pursuit that requires the officer to exceed the posted or applicable speed limit or that involves a target vehicle operating in violation of the posted or applicable speed limit or other traffic laws unless the officer reasonably believes:
  - a. That the subject poses an imminent risk of physical harm to the officer, the public, or others; or
  - b. That the occupant(s) of the vehicle are wanted for the commission of violent felonious acts and it is determined that the imminent danger to the public created by the pursuit is less than the immediate or potential danger to the public should the subject remain at large.

## **B. Prohibitions**

1. Offenses that constitute G.L. Ch. 90 (traffic) offenses/infractions, property crimes (to include stolen motor vehicles), non-violent misdemeanors, refusal to stop for a police officer (G.L. Ch. 90 § 25), and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances, regardless of whether or not the officer knows the vehicle's registration number or the identity of the vehicle operator.
2. No officer shall initiate or continue a pursuit on a divided highway/roadway opposite the direction of the flow of vehicular traffic.
3. In the event the eluding vehicle drives in the wrong direction; members shall maintain visual contact with the eluding vehicle by paralleling the vehicle while driving on the correct side.
4. Unless specifically authorized by a supervisor (Patrol Supervisor or OIC), no officer (other than the officers in the primary and secondary unit) shall engage in the main pursuit or pursue on parallel streets.
5. No officer shall participate in a pursuit with a civilian or a detainee present in the authorized police vehicle under any circumstances.
6. No officer or employee operating a privately owned vehicle, the detainee transport vehicle, undercover (surveillance) vehicle, unmarked vehicles without emergency equipment, or any specialized vehicle requiring specific training prior to being authorized to operate that vehicle such as a department motorcycle, or bicycle will participate in a vehicular pursuit.
7. Vehicle intervention tactics such as blocking in or heading off a moving vehicle, using roadblocks, or ramming cars, are not authorized by SPD.

## **C. Pursuit Decisions**

1. Springfield Police Department prohibits vehicle pursuits, except where an officer obtains express supervisory approval, and the officer and supervisor have considered multiple factors and determined that the imminent danger to the public created by the pursuit is less than the immediate or potential danger to the public should the subject remain at large.
2. Even if a vehicle pursuit is authorized pursuant to Section V. (Authorized Vehicle Pursuits), the officer shall still consider the following factors:
  - a. The risk of public safety in the absence of pursuit**
    - Severity of Crime/Offense believed to have been committed by one or more occupants of the pursued vehicle
    - The nature and degree of the threat to public safety should the vehicle not to be stopped
    - Alternatives to the pursuit
    - Whether the identities of the occupants are known to the point where later apprehension is possible and applicable
  - b. The foreseeable risk to public safety arising from the pursuit**

- Population Density (including volume of pedestrian traffic)
- Nature of the area (residential, commercial, school zone and the volume, type, speed, and direction of vehicular traffic)
- Officers familiarity with the area
- Road and weather conditions
- Time of day
- Speeds involved
- Driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued
- Operational status of emergency warning equipment
- Quality of radio communications
- The presence of other persons in the pursued vehicle

#### **D. Pursuit Operations**

1. Before initiating a vehicle pursuit, the primary unit will obtain supervisory approval to engage in the pursuit. Upon engaging in a pursuit and throughout its duration, the primary unit and, if involved, secondary unit(s) shall activate and maintain use of emergency warning equipment.
2. The primary unit shall notify the SEC of the following:
  - a. location,
  - b. direction,
  - c. nature of the pursuit,
  - d. the description of the pursued vehicle,
  - e. the reason for the pursuit, and
  - f. the estimated speed(s) of the vehicle(s).

The officer(s) shall keep the SEC updated on the pursuit at regular intervals.

3. When engaged in a pursuit, officers shall exercise due care for the safety of the public and shall comply with all the provisions of G.L c.89, s. 7B (Operation of Emergency Vehicles), as follows:
  - a. The SPD officer shall be subject to the provisions of any statute, rule, regulation, ordinance or bylaw relating to the operation or parking of vehicles, including stopping for a school bus with red lights flashing.
  - b. The SPD officer may exceed the speed limit, if the officer exercises caution and due regard under the circumstances for the safety of persons and property.
  - c. Advise officers to follow 3-4 seconds behind, so as to provide sufficient reaction time and make themselves a smaller target (Safe Distance Training)
  - d. Officer(s) shall not attempt to pass other pursuing vehicles unless requested to do so by the Primary Unit, and there is clear understanding between officer(s) involved that a vehicle will be passing other vehicles.

- e. Officer(s) may drive through an intersection contrary to traffic signs or signals; if the officer first brings the vehicle to a full stop. Because intersections present a high risk of collisions, officers shall exercise caution when proceeding through intersections, especially controlled intersections. Officers will ensure due regard for the safety of persons and property.

## **E. Responsibilities and Limitations of Primary and Secondary Units:**

### **1. Primary Unit:**

- a. Subject to the direction of a supervisor, the officer operating the primary unit is vested with the authority to decide and direct the pursuit actions.
- b. The officer operating the primary unit shall continually reevaluate and assess the pursuit. The officer shall terminate the pursuit, even in the absence of an order to terminate by a supervisor, when that officer reasonably believes that the foreseeable risks to the officer, the public or others arising from a continued pursuit is greater than the threat to public safety should the pursued vehicle be allowed to escape.
- c. Upon receipt of a notice to terminate the pursuit from a supervisor, the primary unit shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.
- d. The pursuing officer shall notify the SEC when it is likely that a pursuit will continue into a neighboring jurisdiction.

### **2. Secondary Unit:**

- a. Once the pursuit is engaged, the secondary unit shall maintain a safe distance behind the primary unit, but should remain close enough to provide aid and assume radio communications if and when necessary.
- b. Upon receipt of a notice to terminate the pursuit from the primary unit and/or a supervisor, the secondary unit shall discontinue the pursuit and shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.

## **F. Responsibilities of the Supervisor:**

1. Upon becoming aware of the pursuit, the supervisor shall evaluate the totality of the circumstances and decide, as quickly as possible, whether or not the pursuit should continue pursuant to the criteria of this policy.
2. If the supervisor concludes that a pursuit should commence and/or subsequently continue, they shall monitor incoming information and coordinate activities as needed to ensure that proper procedures are followed.
3. A supervisor may authorize officers (in authorized police vehicles) in addition to the primary and secondary units, to engage in the pursuit and/or a parallel pursuit, in exceptional circumstances or if the supervisor reasonably believes that there is a substantial likelihood of serious physical injury or death should additional officers not participate.

4. The supervisor shall continually reevaluate the need to continue the pursuit.
  - a. The supervisor is vested with the authority to terminate the pursuit, at any time, especially when they believe that the foreseeable risks to the pursuing officers and to the public, arising from the continued pursuit, are greater than the foreseeable threat to public safety should the pursued vehicle be allowed to escape.
5. When a supervisor directs the pursuit to be terminated, members shall immediately terminate the pursuit and advise the SEC of their location.
6. The supervisor may authorize the resumption of a pursuit when they believe that circumstances have changed, thereby warranting the resumption of the pursuit in accordance with the criteria of this policy.
7. A supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

**G. Responsibilities of Springfield Emergency Communications Center (SEC):**

1. Upon being informed of a pursuit in progress, the dispatcher shall:
  - a. Immediately inform the Officer-in-Charge at Police Headquarters via phone
  - b. Receive and record all incoming information on the pursued vehicle
  - c. Advise all other units that a pursuit is in progress, providing all relevant information
  - d. Relay broadcast information from Primary/Secondary Units
  - e. Perform relevant record and motor vehicle checks as expeditiously as possible
  - f. Coordinate assistance of other officers under the direction of the supervisor
  - g. Notify affected law enforcement agencies over appropriate communications systems and seek their assistance if the pursuit is proceeding into another jurisdiction
  - h. Notify all affected agencies when a pursuit has been terminated or if apprehension has been made

**H. Use of Firearms**

- a. Shooting at a moving vehicle is inherently dangerous and almost always counterproductive. Bullets fired at the vehicle itself are unlikely to stop or disable it; bullets may strike a passenger who is not a threat and may be a victim; bullets fired into a vehicle may not result in surrender, but may instead provoke a fight-or-flight response in which the driver is even more determined to escape or stop the source of gunfire; and disabling the driver may result in a run-away vehicle that endangers the lives of officers or bystanders.
- b. Thus, officers shall not discharge their firearms from or at a moving vehicle or its occupants unless the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle. Discharging a firearm in this circumstance is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger or it is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander.

- c. No officer should intentionally position his or her body into the path of a fleeing motor vehicle. If in proximity to a motor vehicle, the involved officer(s) should make every effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.
- d. Shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited. Under such circumstances, officers should be aware of the potential inability of a bullet to penetrate metal or glass surfaces of an automobile and the likelihood of ricocheting bullets causing injury to innocent persons.

#### **I. Termination of a pursuit:**

1. The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever they reasonably believe that the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary unit at any time.
3. A supervisor may order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.
4. A pursuit shall be terminated if the identity of the occupants has been determined, immediate apprehension is not necessary to protect the public or police officers, and apprehension at a later time is feasible.
5. A pursuit shall be terminated when the police officers are prevented from communicating with their supervisors, communications or other police officers.
6. A pursuit shall be terminated if the police officer knows or is reasonably certain, that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.
7. When a decision is made to terminate a pursuit, the primary and secondary units shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.
8. It is recognized that upon terminating a pursuit, the pursuing units are not required to bring their vehicles to a stop and/or head in the opposite direction of the former target vehicle. The primary and secondary units may continue to operate their vehicles in the same direction as the previously pursued vehicle, so long as they maintain a safe distance and their actions do not constitute an active attempt to continue the pursuit.
9. Once a pursuit has been terminated, the primary, secondary, and other units aware of the pursuit may not reengage the pursuit without first requesting specific authorization from a supervisor regarding the changed circumstances that have occurred.

#### **J. Inter-jurisdictional Pursuits:**

1. Pursuit may continue into another jurisdiction when done in conformance with applicable Massachusetts General Laws, department policies, and the Western Mass

Mutual Aid Agreement.

**Outside the Commonwealth:** On fresh and continued pursuit, a police officer may pursue and arrest a person who is wanted for the commission of specific felonious acts involving violence that threaten, have threatened, or are an imminent threat to the health, life, or safety of a person or persons into any neighboring state.

**Within the Commonwealth:** A police officer may make an arrest outside his/her jurisdiction on fresh and continued pursuit provided:

- a. The offense is one for which the officer would have the right of arrest without a warrant within their jurisdiction
- b. The offense was committed within the officer's jurisdiction.

Officers shall not become involved in another agency's pursuit unless specifically authorized by their supervisor.

In all cases where a pursuit enters an area of law enforcement responsibility of a police agency other than that of the initiating police agency, the police agency in pursuit shall be responsible for immediately notifying the police agency responsible for such area. The desk officer or duty supervisor for the police agency responsible for such area shall determine if assistance is necessary and police officers from police agencies other than the initiating agency shall not join the outside pursuit unless:

- a. Directed by such duty supervisor or desk officer; or
- b. The involved pursuit unit is unable to request assistance; or
- c. The situation demands immediate assistance. The supervisors of the respective police agencies involved in the pursuit shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.

In all cases where the pursuit enters a municipality without a regularly organized police department, notification shall be made to the State Police troop responsible for that area. Such troop shall maintain radio communications with all local police officers serving in any such municipality.

Agencies pursuing a vehicle into another jurisdiction must most notify that jurisdiction as soon as practical, provided that agency with all available information pertinent to the pursuit, including but not limited to:

- a. The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed
- b. Location, speed, and direction of travel
- c. Vehicle and occupant(s) description
- d. The number of vehicles and agencies involved in the pursuit
- e. Whether assistance is requested/needed or not

- f. Other available information as to the conditions of the pursuit

The pursuing agency will notify the other jurisdiction whether or not the pursuit has been terminated or is leaving their jurisdiction.

#### **K. Post-Vehicle Pursuit Reporting:**

1. Whenever an officer engages in a pursuit, [s]he shall file written reports on the incident detailing the circumstances. In addition, the Patrol Supervisor shall file the appropriate Pursuit Evaluation Form as well (and a supplemental narrative to the pursuing officer's incident/arrest report if applicable).
2. These reports shall be evaluated and reviewed by a supervisor not involved in the pursuit to determine if there has been compliance with departmental policies and regulations. The supervisor shall review the Pursuit Evaluation Form prior to the end of the shift in which the pursuit occurred which shall be submitted to the Police Superintendent for his/her review and filed with the Internal Investigations Unit for the purpose of conducting an annual analysis. 1.1.7, 41.2.2, 41.2.3
3. The department shall annually analyze pursuit activities for the purpose of identifying any improvements in this pursuit procedure and shall implement modifications to this procedure if warranted. A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. The IIU Investigator shall conduct an annual analysis of all motor vehicle pursuits however long in duration that involved Springfield Officers. 1.1.7, 41.2.2, 41.2.3
4. Factors to be considered:
  - a. Frequency of pursuits
  - b. Pursuit date/time and (shift)
  - c. Original violation or offense
  - d. Reason for terminating the pursuit
  - e. Injuries
  - f. Property damage
  - g. Were emergency lights and siren used?
  - h. Did a supervisor take control of pursuit?
  - i. Supervisor: years on the job?
  - j. Primary officer: years on the job?
  - k. Average length of time and distance of pursuit?
  - l. Did pursuit leave cities jurisdiction?
  - m. Suspect information
  - n. Did pursuit comply with SPD policy and procedures?
  - o. Training issues identified

**Cheryl C. Clapprod  
Police Superintendent**

CCC/klg

