



# Fitchburg State University Police Department

<b>Subject:</b> VEHICLE PURSUITS	
Reference: MPAC: 41.2.2, 41.2.3, IACLEA: 9.2.2, 9.2.3 Rescinds: Section 72	
<b>Effective Date:</b> June 24, 2020	<b>Review Date:</b>
<b>By Order of:</b> Michael J Cloutier, Chief of Police	

## General Order

# 9.2.2

**PURPOSE:**

As a general policy, police officers have a responsibility to identify perpetrators of criminal acts and to apply whatever means are lawful, reasonable, and appropriate to affect their apprehension and appearance before a court of law. Sometimes the means of apprehension may include the pursuit of a suspect in a motor vehicle off the university property and out of the jurisdictional bounds of Fitchburg State University officers.

The Fitchburg State University Police Department recognizes that vehicle pursuits are often hazardous but like the use of deadly force, they are on rare occasions necessary.

Across the nation, evidence continues to mount indicating that a significant number of vehicular pursuits end not only in major property damage but also in injuries and/or death to innocent motorists, bystanders, suspects and police officers. Officers assume a major responsibility and potential liability for themselves and their department when they pursue fleeing motor vehicles, regardless of their justification.

When a vehicle pursuit is undertaken, officers must realize that the hazards inherent in a vehicular pursuit to officers, suspects, and the public must be balanced against the need for immediate apprehension. The purpose of the pursuit should be to apprehend quickly and safely.

**POLICY:**

A. Safe driving of police vehicle:

When in actual pursuit or in responding to an emergency, officers shall strictly adhere to the driving procedures established for the operation of emergency vehicles, and shall act in compliance with Massachusetts General Law Chapter 89, § 7B and all applicable laws.

- B. The policy of the Fitchburg State University Police Department shall be to limit the use of continued vehicular pursuits to those situations which involve:
1. The attempted apprehension of persons wanted for the commission of felonious acts that threaten, have threatened, or will threaten the health, life, or safety of a person or persons; and
  2. The pursuit of a motor vehicle operator who has committed flagrant violations, was operating in a reckless manner before the pursuit was initiated, and is continuing to operate in a manner that recklessly endangers the lives and safety of others (e.g., operating under the influence of alcohol, etc.).
- C. The intention of this policy is to limit the use of continued vehicular pursuits to the most serious of circumstances, thereby effectively limiting the exposure of officers, suspects, and citizens to the possible serious consequences of vehicular pursuits.
- D. Continued vehicular pursuit is clearly inappropriate and will not be authorized when the pursuit itself has a higher potential for serious injury or loss of life than does the threat posed by the escape of the suspect.
- E. It is the policy of this department that vehicle pursuits may be initiated based on a pursuing officer's conclusion that the pursuit is the best of his or her options at the time. Understandably, the decision to pursue is often made under difficult, unpredictable, and rapidly changing circumstances. For those reasons, the requirement for on-going supervisory control of a pursuit is the cornerstone of the department's pursuit policy.

**DEFINITION:**

**Vehicular pursuit:** Vehicular pursuit is the active attempt by a police officer in an authorized emergency vehicle to apprehend the occupants of a moving motor vehicle at speeds at, below, or above the legal limit.

**PROCEDURE:**

- A. Each officer must use their discretion along with the guidelines supplied in this policy and procedure in determining whether or not to commence a pursuit and how to conduct the pursuit once one has been initiated.
1. Some of the factors to be considered when determining whether to initiate, continue, or terminate a pursuit are:
    - a. Time of day;
    - b. Volume of vehicular traffic;
    - c. Location of pursuit;
    - d. Weather conditions;
    - e. Road conditions;
    - f. Speeds involved;
    - g. Nature of charges;
    - h. Volume of pedestrian traffic;
    - i. Police vehicle capabilities;
    - j. Quality of radio communications.

2. Once made, the decision to pursue is not permanent. **It is often better to abandon a pursuit where the risk of danger to the officer or the public is high**, or weather or road conditions are poor.
3. Continued high speed pursuits are not authorized
4. No officer shall be disciplined for deciding to discontinue a pursuit.

IACLEA 9.2.2 a / MPAC 41.2.2 a

B. Responsibilities of the Pursuing Officers

1. Upon the initiation of a vehicular pursuit, the officer(s) shall:
  - a. Immediately communicate their location and direction of travel;
  - b. Provide the reason for the pursuit;
  - c. Provide a description of the suspect vehicle, indicating, at a minimum, color, make, model, and registration number of the vehicle;
  - d. Provides as much information as possible regarding the occupant(s) of the suspect vehicle, indicating, at a minimum, identity (if known), description and number(s);
  - e. Communicate ongoing status of the pursuit at regular intervals;
    - (1) When a second cruiser from the department joins the pursuit, they should take over the transmission of all pursuit updates, allowing the primary cruiser to focus on the fleeing vehicle.
  - f. Activate all audio/visual warning devices until the pursuit is terminated;
  - g. Monitor all communications in order to coordinate with other units; and
  - h. Adhere to all the requirements of Massachusetts General Law Chapter 89, § 7B, and all applicable case laws at all times during the pursuit.

**Note:** *No officer will undertake a pursuit in a vehicle that is not equipped with both emergency lights and a siren. In all instances the use of emergency equipment, such as emergency lights and siren, does not demand the right of way, it only requests it.*

IACLEA 9.2.2 b / MPAC 41.2.2 b

2. Officer(s) shall terminate the pursuit:
  - a. When it becomes evident to the officer(s) involved in the pursuit that the risks to life and property begin to outweigh the benefit derived from the immediate apprehension or continued pursuit;
  - b. The offense is for motor vehicle violations, a misdemeanor, or a nonviolent felony and the identity of the operator becomes known to the pursuing officer(s) and a severe exigency to stop is not applicable;
  - c. Once it has been determined by the pursuing officer(s) that the pursuit cannot result

in apprehension;

- d. When the shift supervisor or the officer-in-charge determines that continuation would endanger the public beyond that justified by the reason for which the pursuit was undertaken and orders the pursuit to be terminated; or
  - e. When there is an equipment failure, involving an emergency-signaling device, radio, brakes, steering, or other essential mechanical equipment in the police cruiser.
3. Upon terminating a pursuit for any reason, the pursuing officer(s) shall deactivate all audio/visual warning devices and notify dispatch of the location and direction of travel of the suspect vehicle at the time the pursuit is terminated. The officer shall also stop the cruiser, report his exact location and radio in the time the pursuit ended. This information shall be logged.
  4. All officers shall exercise due regard for the safety of all persons. Officers shall avoid increasing the danger already created by the motorist being pursued and are cautioned that they are accountable for the consequences if there is a reckless disregard on their part for the safety of others.

*IACLEA 9.2.2 g / MPAC 41.2.2 g*

C. Responsibilities of the Officer-in-Charge at the time of the pursuit

1. In all continued vehicle pursuit situations, command responsibility rests with the officer-in-charge. The officer-in-charge shall be notified immediately upon the initiation of any pursuit.
2. The department is responsible for providing adequate supervision of officers involved in a vehicular pursuit. An officer not immediately involved in the pursuit is often in a better position to oversee objectively the pursuit and decide whether the pursuit should be continued and under what circumstances. Therefore, upon learning of a vehicular pursuit in progress, the officer-in-charge shall:
  - a. Track the location of the pursuit by monitoring the radio;
  - b. Designate primary and secondary pursuit vehicles;
  - c. Review and consider as many of the facts of the pursuit as are available;
  - d. Consider the potential and real dangers to be encountered; and
  - e. Based on all information, the officer-in-charge will order the termination of the pursuit when, in his or her opinion, the dangers created by the pursuit outweigh the need for immediate apprehension.
  - f. Maintain tight controls on the desire of other officers to get involved in or parallel the pursuit.
3. If, by observing the actual pursuit or monitoring the radio communications of the pursuit, the supervisor believes that, in his or her opinion, the dangers created by the pursuit outweigh the need for an immediate apprehension, he or she shall order that the pursuit be immediately terminated.

4. Upon receipt of an order to terminate the pursuit, the supervisor shall ensure that all units involved do, in fact, terminate the pursuit and return immediately to their assigned sectors.

*IACLEA 9.2.2 e / MPAC 41.2.2 f*

D. Responsibilities of Assisting Officers

1. Once the pursuit is engaged, assisting officer(s) shall:
  - a. Not caravan the pursuit – no more than two (2) police units may actively pursue without specific orders from the officer-in-charge. The secondary pursuit vehicle, designated by the Officer-in-Charge, may follow the pursuit to act as backup for the pursuing unit. The secondary pursuit vehicle shall be spaced appropriately and operate so as to allow for ample reaction time and distance in order to reduce the possibility of officer-involved accidents;
  - b. Communicate ongoing status of the pursuit at regular intervals.
  - c. Move into a tactically advantageous position to assist with the stop of the vehicle. Police units other than the two (2) units actively involved in the pursuit (primary and secondary) are to remain alert to the direction and progress of the pursuit and may position themselves at strategic sites along the probable pursuit route for response to any exigencies that may develop. These units are not to be operated in an emergency mode;
  - d. Adhere to all the requirements of Massachusetts General Laws Chapter 89, § 7B, and all applicable statute law at all times during the pursuit;
  - e. Upon receipt of the notice to terminate the pursuit, responding units shall discontinue emergency operation and return to their assigned sectors, unless otherwise directed by the officer-in-charge.
  - f. Any sworn officer in the pursuit vehicle, regardless of rank, shall order the pursuit discontinued if the officer feels that the risk of life and property have begun to outweigh the benefit derived from the immediate apprehension or continued pursuit of the suspect. Each officer in the pursuing vehicle must exercise his/her judgment as to when the risk has begun to be too great. No officer can be disciplined for discontinuing a pursuit.

*IACLEA 9.2.2 c / MPAC 41.2.2 c*

E. Responsibilities of Dispatch

1. Upon being informed of a pursuit in progress, dispatch shall:
  - a. Immediately inform the officer-in-charge, who shall assume command of the pursuit;
  - 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. Perform relevant record and motor vehicle checks as expeditiously as possible;

- e. Coordinate assistance under the direction of the officer-in-charge;
- f. Notify, when authorized by the officer-in-charge, the affected agencies over the telephone and seek their assistance if a pursuit is proceeding, or may proceed into another jurisdiction, or if it is being conducted on a roadway with State Police jurisdiction;
- g. Prioritize all incoming calls so as to keep the officers safety a top priority, and to minimize radio transmission from the dispatch personnel to emergency or necessary information only;
- h. Dispatch personnel shall repeat the location and special circumstance surrounding the pursuit, every time after the original pursuing officer radios in information (ex: location change, vehicles involved changing) to all responding units;
- i. Continue to monitor the pursuit until it has been terminated. Record the location and time the pursuit has ended as well as any final information on the last location and direction of travel of the fleeing vehicle.
- j. Notify all affected agencies if and when a pursuit has been terminated, or if apprehension has been made.

*IACLEA 9.2.2 d / MPAC 41.2.2 e*

**F. Hostage Involved Pursuits**

1. When a member of the department becomes aware that a hostage is, or may be, in a pursued vehicle, a supervisor shall be advised immediately. All available information shall be reported, including a physical description of the hostage and the exact location of the hostage within the vehicle (if known).
  - a. The officer-in-charge shall ensure that all hostage related information is immediately broadcast. The fact that a hostage may be involved in a pursuit shall be periodically transmitted during subsequent pursuit status broadcasts;
  - b. It must be emphasized that the safety of the hostage must be the primary consideration in determining the tactics that will be employed to affect the release of the hostage and apprehend the suspect(s).
2. In instances where the taking of a hostage has not been confirmed, the officer-in-charge shall attempt to obtain additional information from the original reporting person via telephone. If a call back number is not available, or the reporting person cannot be contacted, the officer-in-charge shall assign a unit to respond to the scene of the initial occurrence to verify the taking of a hostage.
3. Officer shall continue to broadcast information concerning: the hostage's position within the vehicle; description of the hostage, when known; suspect information; and, if available, information regarding the type of weapon the suspect possesses.
4. The involvement of a hostage in the pursuit magnifies the importance of the officer-in-charge maintaining maximum control and ensuring that nonessential units do not become involved in the pursuit.

G. Ramming Suspect Vehicle

1. Vehicle contact action may only be utilized when the use of deadly force is justified and those actions are taken in conformance with this department's use of deadly force policy. This tactic may not be utilized when deployment of a tire deflating equipment is a viable option. Prior authorization the Chief of Police or designee is required in all but emergency situations to save life or prevent serious injury.

H. Passing or Overtaking Suspect Vehicle

1. Vehicles being pursued should not be passed or overtaken by the police unit as the maneuver is tactically ill advised and often precipitates aggressive maneuvering by the suspect vehicle.

I. Use of Firearms During Pursuits

1. The use of firearms may only be utilized when the use of deadly force is justified and those actions are taken in conformance with this department's **General Order 7.1 Use of Force**. This tactic may not be utilized when deployment of the tire-deflating device is a viable option.
2. Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend themselves or another when the occupants of the vehicle are employing deadly force which the officer reasonably perceives as an immediate threat of death or serious physical injury and the officer reasonably believes that they will not endanger innocent persons;

**NOTE:** 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.

3. Firing strictly to disable a vehicle is prohibited;
4. In every incident, the officer shall take into account the location of the vehicular and pedestrian traffic and the potential hazard to innocent persons;
5. Firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target, or when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.

J. Every precaution shall be taken to ensure the safety of the general public in the vicinity.

K. Limited Access Highways

1. Officers shall not pursue suspects the wrong way on limited access highways or their associated exit or entrance ramps.
2. In the event that a vehicle being pursued enters a limited access highway the wrong way, the pursuit vehicles should consider the following options:

- a. Attempting to parallel the suspect vehicle on the proper side of the highway;
- b. Directing other units to observe and intercept the vehicle at various on or off ramps available to the suspect vehicle.
- c. Will immediately notify the Massachusetts State Police.

L. Offensive Tactics

1. In the course of a pursuit, the deliberate contact between vehicles or forcing the pursued vehicle into parked cars or off the roadway, into ditches, or other obstacles, or boxing in or driving alongside the pursued vehicle is prohibited. Reckless or hazardous driving maneuvers of the suspect shall not be duplicated by any pursuing vehicles.
2. Tire Deflating Devices. The Fitchburg State University Police Department does not currently have these devices, should that change the following will apply.
  - a. If issued, the department may use tire deflating devices in certain circumstances to reduce the speed and duration of pursuits in order to reduce the risk of injury to persons and/or damage to property.
  - b. A tire-deflating device (Stop Stick System) is a device that, when driven over, causes one or more tires of a vehicle to safely deflate.
  - c. This device shall not be used at intersections or in locations where geographic configurations, such as curves and steep embankments, increase the risk of injury to the suspect or occupants of other vehicles.
  - d. Tire deflating devices, if issued in the future, will follow these guidelines:
    - i. Shall be secured in part of the trunk that is easily accessible in the event of an emergency;
    - ii. May not be used to stop a motorcycle or other two (2) wheeled vehicles;
    - iii. May only be deployed by an officer trained in its use when authorized by the officer in charge.
    - iv. Shall be utilized in conjunction with all training as well as instructions provided by the manufacturer.
    - v. A department tire deflation report shall be completed following each deployment by the utilizing officer, reviewed and signed by the shift supervisor, and forwarded to the Chief of Police.
    - vi. Annually the Chief of Police or designee shall conduct an administrative review of all tire deflation reports filed during the year. The purposes of this review shall be to determine the number of incidents, their reasonableness, lessons learned, and any identified need for policy or training modifications.
3. Roadblocks
  - a. Fitchburg State University Police personnel are prohibited from deploying the



following tactics: stationary roadblocks, rolling roadblocks, box in techniques, ramming a suspect's vehicle, passing a fleeing suspect's vehicle or attempting to force fleeing vehicles off the road.

IACLEA 9.2.2 f / MPAC 41.2.3

M. Unmarked Police Vehicles and Motorcycles

1. Officers in unmarked police vehicles may initiate a pursuit if the vehicle is equipped with audible and visual warning devices approved by the department when they have reasonable cause to believe the suspects may be pursued according to standards outlined in this directive.
2. Operators of unmarked police vehicles will relinquish the pursuit when a marked cruiser unit is in a position to conduct the pursuit.
3. Officers are prohibited from using their personal/private vehicles in a pursuit.
4. Police motorcycles or mountain bicycles shall not be utilized in pursuits.

IACLEA 9.2.2 i / MPAC 41.2.2 d

N. Non-sworn Persons in Police Vehicles

1. At no time will sworn officers initiate or participate in a pursuit with non-sworn personnel in the police vehicle. This shall include, but not be limited to, prisoners, suspects, complainants or witnesses.

**Rule:** *Care and Transportation of Prisoners, All arrested persons shall be transported immediately, safely and directly to the appropriate place of custody.*

O. Inter-jurisdictional Pursuits

- a. The officer-in-charge shall advise dispatch personnel to notify surrounding jurisdictions of a pursuit initiated by officers of this department if a possibility of the pursuit going into their jurisdiction exists. Fitchburg State University pursuits that leave the jurisdiction of the university, shall be discontinued unless the suspect has endangered life, or is fleeing the commission of a felony crime, other than failure to stop for the police during the pursuit and the decision to continue is approved by the supervisor.
- b. Any pursuit initiated by Fitchburg State University that enters the jurisdiction of another law enforcement agency shall be discontinued upon the request of that agency. Fitchburg State University Police personnel that pursue a vehicle that enters the jurisdictional boundaries of another law enforcement agency shall relinquish control of the pursuit to that agency if requested to do so by the agency.

IACLEA 9.2.2 h.1 / MPAC 41.2.2 h.1

P. Intra-jurisdictional Pursuits

1. If an outside agency notifies this department of a pursuit, the notification in itself shall not be construed to be a request to join a pursuit.
  - a. Officers shall not become involved in another agency's pursuit unless specifically authorized by the Chief of Police or designee, the officer-in-charge or in situations where time would not permit their contact. At the next earliest possible moment, the Chief of Police or designee shall be contacted and determination for continuation of the pursuit shall be made.
  - b. An outside law enforcement agency with a pursuit entering Fitchburg State University Police jurisdiction is responsible for the pursuit. If an agency requests assistance in a pursuit and a unit from this department responds, the first unit to join the pursuit shall be designated as the backup unit, and all other department units will discontinue.
  - c. Officers of this department shall remain under the control of the officer in charge during an out of jurisdiction pursuit into the jurisdiction of this department. Officers shall remain vigilant for instructions and orders to terminate emanating from their officer in charge.

*IACLEA 9.2.2 h.2 / MPAC 41.2.2 h.2*

Q. Arrests

- a. Any police officer of this department may make an arrest outside his or her jurisdiction, but within the Commonwealth of Massachusetts, while in fresh and continued pursuit if:
  - a. The offense is one for which he would have the right of arrest without a warrant within his or her jurisdiction;
  - b. The offense was committed in their officer's presence; and
  - c. The offense was committed within their jurisdiction.
- b. Outside of the Commonwealth of Massachusetts
  - a. Any police officer "in fresh pursuit" may pursue and arrest a person who has committed a felony in Massachusetts into any other state provided that state has in force similar interstate felony fresh pursuit laws.
  - b. New York and all New England states have such laws.

R. Communications During Pursuits

1. Communications during pursuits will be conducted on an "emergency transmit" basis only. Officers or supervisors should request that dispatch place the situation in emergency status until the situation is under control. Should communications be lost the pursuit will be terminated.

S. Traffic Enforcement – Overtaking Violations

1. An important aspect in reducing accidents and injuries due to motor vehicle accidents is enforcement. Speeding violations are one of the highest causes of motor vehicle accidents.
2. In order to effectively apprehend speeders, officers must check vehicle speeds from a stationary position in many situations. After checking the speed of a violator, an officer is required to go from a stationary position to overtake the violator. In order to do this, the officer must often develop speeds greater than would normally be allowed. If this situation exists, greater speeds may be employed in order to apprehend violators of traffic laws. However, if the violator refuses to stop, all other criteria established in this policy must be present and all procedures must be followed in order for the pursuit to be continued.
3. To diminish the likelihood of a pursuit developing, officers intending to stop a vehicle should, when practicable, be within close proximity to the subject vehicle prior to activating the emergency signaling devices.

T. Driving Practices During a Vehicular Pursuit

1. The following driving practices shall be adhered to whenever any members of this department become engaged in a vehicular motor vehicle pursuit:
  - a. Seat belts shall always remain fastened during the pursuit;
  - b. Both hands shall be kept on the steering wheel at all times, except in the case of a one (1) man unit, when it becomes necessary to have a free hand (for example, to make a radio transmission). The radio microphone should not be held continually as the cord can become entangled around the steering column when turns are made;
  - c. Tires should be kept away from the shoulders of the road;
  - d. The police vehicle should slow down when going into a curve and accelerate coming out of a curve. Officers should anticipate a decrease in the cruiser's braking ability during a pursuit involving repeated cornering and braking;
  - e. If the police vehicle skids, the officer should:
    - i. Avoid the use of power;
    - ii. Counter-steer to compensate for the skid; and
    - iii. Not apply brakes unless the vehicle fails to respond to steering and braking necessary to avoid a collision. In such cases, the "stab braking" technique should be used.
  - a. The police vehicle should be kept at such a distance from the pursued vehicle that a sudden stop of that vehicle will not result in a collision or accident;
  - b. If it is necessary to enter an intersection contrary to a traffic signal or posted sign, the operator of the police vehicle shall bring the vehicle to a stop, in compliance with Massachusetts General Law Chapter #89, Section #7B, and proceed only when

certain that the way is clear.

U. Vehicle stops resulting from pursuits

1. If the pursued vehicle is stopped:

- a. Select a suitable location for making the stop, if at night preferably a well lighted area;
- b. Notify dispatch as to:
  - i. Location of the stop;
  - ii. Vehicle registration number; and
  - iii. Description of motor vehicle and occupants (for felony or high-risk motor vehicle stops).
- c. Both vehicles should be parked as far to the right as possible and out of the path of moving vehicles;
- d. The police vehicle shall be to the rear of the suspect's vehicle and slightly to its left to provide a safety corridor against passing traffic;
- e. The overhead bar light and/or emergency flashers shall remain on;
- f. If it is nighttime, all available lights shall be used to illuminate the stopped vehicle; and
- g. The driver of the suspect vehicle may be ordered to turn the engine of their vehicle off and throw the keys outside the driver's door.

2. When an officer leaves the police vehicle he or she shall:

- a. Carefully watch all occupants for unusual movements or change of position;
- b. Position themselves to ensure that all occupants are clearly visible;
- c. If the vehicle has been stopped for a serious felony and/or there is reason to expect the occupant(s) to be armed, the officer shall:
  - i. Draw his or her weapon in readiness to defend themselves;
  - ii. Instruct that the motor be turned off and keys dropped to the ground.
  - iii. Await backup if at all possible.

V. Documentation

1. Whenever an officer of the department is involved in a vehicular pursuit, he or she shall, before the end of the tour of duty, submit a department Administrative Documentation report giving a full account of the pursuit and the reason(s) for their participation. The report shall contain the following information: date, time, and location of the pursuit,

length of time involved and distance traveled, primary and assisting officers involved, supervisor in control, initial reason for the pursuit, highest speeds attained, description of the suspect vehicle and occupants, disposition of the pursuit.

W. Review

1. The officer-in-charge shall also file a complete report to the Chief, giving a full account of the pursuit, including the reason(s) he or she allowed the pursuit to continue.
2. Annually the Chief of Police or designee, shall conduct an administrative review of all pursuit evaluation reports filed during the year. The purposes of this review shall be to determine the number of pursuits, their reasonableness, lessons learned, and any identified need for policy or training modifications. This analysis may also determine patterns or trends that indicate training needs or equipment upgrades.

IACLEA 9.2.2j & k / MPAC 41.2.2i & j

X. Pursuit Training

1. All newly hired personnel will be trained in this policy as part of their field training, and a refresher biennially after hire.
2. All officers prior to being issued a Massachusetts Uniform Citation book shall be trained in this policy.

IACLEA 9.2.3

Approval:

  
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Chief of Police

06/25/2020  
Date