

Waltham Police Department

VEHICULAR PURSUIT

CHAPTER 41A

General Order #: GO-02 03/2015

Effective Date: 03/2015, 01/2023

Accreditation Standard #'s: 41.2.1, 41.2.2, 1.2.7, 1.3.8

POLICY: [1.2.7], [41.2.2-2]

The policy's purpose is to balance the need to protect the lives of those involved in the pursuit and the public, with the obligation to enforce laws and apprehend offenders.

DEFINITION:

The act of pursuing a motorist who has intentionally failed to stop or is attempting to elude the police.

1. **AUTHORIZATION:** Once initiated ALL pursuits need authorization from the OIC to continue.
2. **GUIDELINES:**
 - a. Pursuits in general are strongly discouraged except for serious violent felonies where the public safety is jeopardized.
 - b. Pursuits should be terminated as quickly as possible in the interest of public and officer safety. [41.2.2-9]
 - c. Officers are further reminded that the pursuing officer, any street patrol supervisor, the officer in charge, or any ranking officer is authorized to terminate a pursuit.
3. **MGL. CH. 89 S. 7:** Officers must conform to the provisions of MGL CH. 89 S. 7B and use their blue emergency lights AND siren when engaged in a pursuit.
4. **CIVILIAN CONSIDERATIONS:** Motorists may not immediately see or hear a police vehicle's enforcement effort. An attempt to stop is not considered a pursuit unless an officer reasonably believes the motorist is actively attempting to ignore or elude the officer.
5. **DECISION TO PURSUE:** [41.2.2-1] If the offender is known and poses no immediate threat to the community, strong consideration should be given to terminating the pursuit [41.2.2-9].

FACTORS WHEN DECIDING TO PURSUE:

- a. Nature of offense involved.
- b. Safety of officer and the public.
- c. Identity of operator.
- d. Traffic conditions.
- e. Road conditions.
- f. Weather and location.
- g. Time of day.
- h. Type of vehicle(s) involved.
- i. Speed of vehicle(s).

*** A pursuit may be terminated at any time. [41.2.2-8,9]**

6 RESPONSIBILITIES OF PURSUING OFFICER: [41.2.2-3] Upon commencing a pursuit, the officer shall immediately:

- a. Ensure the emergency blue lights and warning sirens are activated and remain in continuous use.
- b. Make radio contact with dispatch and communicate the following information:
 - 1. Identity of the officer's unit
 - 2. The exact location, speed, and direction of travel
 - 3. Registration number and any other identifying characteristics of vehicle being pursued
 - 4. The offense/purpose for which the vehicle and/or occupants are being pursued
 - 5. Description of occupants if known
 - 6. Obtain permission from the OIC to continue pursuit

If an officer chooses to terminate a pursuit or receives a communication from a supervisor that the pursuit be terminated, the officer shall do so immediately. The officer shall report the final location and direction of travel of the pursued vehicle.

- c. Radio contact should be maintained and the officer should continue broadcasting the changing location, speed, and direction of travel of vehicle being pursued.
- d. If it is necessary to enter an intersection contrary to a traffic signal or posted sign, the police officer shall bring their vehicle to a complete stop and only proceed when safe to do so.
- e. Intentional contact between a police vehicle and the vehicle being pursued is strongly discouraged.
- f. Officers shall NOT discharge their firearm *at* a moving vehicle unless the operation of the vehicle constitutes an imminent threat of serious bodily injury to the officer or others.
- g. Officers shall NOT discharge their firearms *from* a moving vehicle unless circumstances warranting lethal force exists *and* no other reasonable means are available.
- h. Pursuit is expressly forbidden when the police vehicle is occupied by any non-police personnel.

7. USE OF DIFFERENT POLICE VEHICLES: [41.2.2-4, 5a] Only conspicuously marked cruisers and unmarked cruisers fully equipped with emergency lights and equipment shall be used for continuous pursuit. Marked cruisers are the Ford “Police Interceptor Utility (PIU)”.

- a. Motorcycle – A motorcycle officer shall not engage in any pursuit unless the offense is a serious violent felony and permission from the OIC to continue the pursuit is granted. A motorcycle should fall back or yield control to a marked unit and abandon the pursuit when sufficient back up arrives. [41.2.2-4, 5c]
- b. Unmarked cruiser – As soon as a pursuit begins, a request for a marked cruiser must be made. When a marked unit arrives, the unmarked unit should yield to and allow the marked cruiser to lead the pursuit. [41.2.2-5b]

8. USE OF DIFFERENT VEHICLES: [41.2.2-4, 5a] Police officers shall not use a personal vehicle to engage in a vehicular pursuit.

9. **FORCIBLE STOPPING/ROADBLOCKS:** [41.2.3] Due to the significant risk posed to officer safety and the safety of the public, the use of forcible stopping techniques, such as pit maneuvers, roadblocks, and road spikes is not authorized by the Waltham Police Department.
10. **PURSUIT BACKUP:** Officers in a pursuit should have at least one backup, whether WPD or another agency. There should not be any more than two police vehicles involved in a pursuit. In certain instances, the OIC or his designee may authorize additional backup when considering the dangerousness of the suspect or suspects.
11. **INTER/INTRA JURISDICTION:** [41.2.2-10] When a motor vehicle pursuit is being controlled by another law enforcement agency and that pursuit has entered our jurisdiction, Waltham Police vehicles shall monitor radio communications and only assist if approved by the street patrol supervisor or the OIC.

When Waltham police officers are involved in a pursuit which enters another jurisdiction, radio contact shall be maintained and the officer shall broadcast the changing location and direction of travel of the vehicle being pursued. When it is anticipated that the pursuit will enter another jurisdiction, the appropriate police department(s) shall be notified of all pertinent information, either by the pursuing officer, backup officer, or inside personnel, including the OIC. [41.2.2]

12. **RESPONSIBILITIES OF THE OIC:** [41.2.2-8,9] In all pursuit situations, command responsibility rests with the OIC.

Upon learning a pursuit is in progress, the OIC shall immediately determine whether to authorize or terminate the pursuit.

*** The OIC may terminate the pursuit at any time.**

13. **RESPONSIBILITIES OF THE PATROL SUPERVISOR:** [41.2.2-7,8] The patrol supervisor, upon being notified of an authorized pursuit in progress, shall:

- a. Monitor the pursuit
- b. Authorize the pursuit if necessary
- c. If possible, move into a tactically advantageous position to assist with the pursuit
- d. Maintain control on the number of cruisers involved.

*** The patrol supervisor may order the termination of the pursuit at any time.**

- 14. RESPONSIBILITIES OF ASSISTING OFFICERS: [41.2.2-4]** Assisting officers should maintain a safe distance between their vehicles and the vehicle involved in the pursuit and be available to assist in the apprehension of the fleeing offender.
- 15. RESPONSIBILITIES OF THE DISPATCHER: [41.2.2-6]** Upon being informed of a pursuit in progress, the dispatcher shall:
- a. Immediately inform the OIC and secure authorization for the pursuit to continue. If the OIC is not available, immediately inform a police supervisor and secure authorization to continue.
 - b. Advise units that an authorized pursuit is in progress and provide all relevant information.
 - c. Receive and record all incoming information regarding the status and authorization of the pursuit in progress.
 - d. Coordinate assistance under the direction of the OIC.
 - e. Notify any affected agencies over the radio system and seek their assistance if pursuit is proceeding or may proceed into their jurisdiction.
 - f. Continue to monitor the pursuit until it is terminated.
 - g. Notify all units and affected agencies if and when a pursuit has been terminated or if an apprehension has been made.
- 16. LIMITED ACCESS HIGHWAYS/ONE-WAY STREETS:** Pursuing suspects or operating the wrong way on a one-way street is highly discouraged.
- Officers shall not pursue suspects the wrong way on limited access highways or their associated on/off ramps. In such an event, officers should attempt to parallel the suspect vehicle from the proper side of the highway. Other units should be directed to observe and intercept the suspect vehicle at the various on/off ramps and intersections.
- 17. REVIEW AND ANALYSIS: [41.2.2-12]** An officer who initiates a pursuit shall submit the appropriate reports to the Commanding Officer – Platoon on Duty (OIC). This should be done in a timely manner with due regard for the individual and circumstances of each incident. [41.2.2-12]
- Reports and analysis are filed in the Community Services Captain's office. The following indicates who is in charge of each report, review, and analysis: [41.2.2-17]

a. **INITIAL OIC REVIEW:**

1. The OIC will review the officer's incident report.
2. The OIC will complete and submit an "OIC Pursuit Form" to the **Commanding Officer of the Patrol Division** along with a report narrative.

b. **PATROL COMMANDER REVIEW:**

1. The Commanding Officer of the Patrol Division reviews the report and pursuit form and makes a determination of whether the pursuit was or was not consistent with this policy. **[41.2.2-14b]**
2. The reports are then forwarded to the Chief of Police along with any recommendations.

c. **CHIEF REVIEW:**

1. The Chief will review the report and either approve or make recommendations.
2. The reports will be forwarded to the Commanding Officer – Community Services Division.

d. **ANNUAL ANALYSIS:**

1. Commanding Officer – Community Services Division shall submit a yearly written "Review/Analysis Form" to the Accreditation Manager. **[41.2.2-13]**
2. Pursuit reports and analysis are stored in the office of the Community Services Division Captain.

18. CRITICAL/STRESS INCIDENT DEBRIEFING: [1.3.8] During the period after a pursuit which **caused serious bodily injury or death to another**, and/or after administrative re-assignment from a pursuit, a post-incident debriefing shall be done.

If an officer(s) requests or requires counseling for those involved, it shall be administered and facilitated by the Employee Support Services Unit. ***Cross reference 1B Post Traumatic Incident Procedures***