



PURSUIT DRIVING

This Rule establishes guidelines and procedures for vehicular pursuit by members of the Boston Police Department.

General Considerations: It is the position of the Department that all law violators be apprehended whenever doing so can be accomplished without presenting an unwarranted risk of harm to the public or to the officer(s).

Generally, pursuit driving is not justified and is prohibited unless the occupants of the vehicle are known to be wanted for the commission or the attempted commission of a violent or life threatening felony or the vehicle is being operated in an erratic or dangerous manner which poses a threat of harm to the public if it is not stopped. The commission of a minor motor vehicle violation and/or operating a stolen motor vehicle are not sufficient to meet the above criteria.

The City of Boston is a highly congested urban area which generally precludes pursuit driving in a safe manner. Therefore, every effort shall be made to prevent a suspect vehicle from escalating a situation into one which requires a pursuit. Pursuit driving is only permitted in situations that represent a threat of harm to the public or the officers, if the suspect vehicle and/or occupants are not apprehended. The Department recognizes that it is better to allow a suspect to escape than to engage in a pursuit under conditions that unnecessarily jeopardize the safety of the public and the officer(s).

Sec. 1 Definitions: For the purposes of this rule the following definitions will apply:

BAPERN: Boston Area Police Emergency Radio Network. This system allows the Boston Police Dispatcher to communicate and coordinate all departments sharing BAPERN capability; these departments include various law enforcement agencies located in and around the City of Boston. Most importantly, BAPERN provides the Boston Police Department with the capability necessary to continue to control a pursuit which extends into other jurisdictions.

Discontinuing a Pursuit: Means informing the dispatcher that you are no longer engaged in pursuing a suspect vehicle and turning off the police vehicle's emergency equipment (lights and siren) while simultaneously reducing the speed of the police vehicle to the posted speed, observing all motor vehicle and traffic laws, and disengaging from following the suspect vehicle.

Police Vehicle: Means and includes any department-owned motor vehicle in authorized use or any vehicle authorized by the Police Commissioner for use by a member of the

Police Department in his or her capacity as a police officer. Whether they are marked or unmarked, Department vehicles which are not equipped with operable, overhead blue lights and a siren shall not engage in a pursuit.

Pursuit Driving: Refers to vehicular pursuit at speeds that may exceed the legal limit.

Vehicular Pursuit: Is an active attempt to stop a moving motor vehicle when the driver of such vehicle is resisting apprehension by maintaining or increasing their speed or by ignoring the officer's attempt to stop him/her.

Sec. 2 Vehicle Surveillance Procedures: Consistent with Department policy that a pursuit be avoided whenever possible, officers shall take the following steps whenever they have a suspect vehicle under surveillance that they seek to pull over:

- A. Immediately notify the Operations Division that a suspect vehicle is under surveillance and report their call sign, the reason for the surveillance, the best possible description of the suspect vehicle and its occupants and its direction of travel and roadways being used;
- B. Follow the suspect vehicle at a discreet and safe distance, constantly informing the Operations Division of the progress of the surveillance. Blue lights and siren shall not be utilized during the surveillance phase;
- C. The Operations Dispatcher shall utilize all resources available to limit the mobility of the suspect vehicle;
- D. Blue lights and siren shall only be utilized after the suspect vehicle actively attempts to evade the police unit which is conducting the surveillance or accelerates and/or fails to stop after having been directed to do so.

Sec. 3 Pursuit Decision: No officer shall initiate a vehicular pursuit unless the officer reasonably believes that:

- A. The continued operation of the vehicle the officer intends to stop poses a threat of physical harm to the public or others; and/or
- B. The occupant(s) of the vehicle the officer intends to stop pose a threat of physical harm to the public or others.

In making this determination, factors which shall be considered by the officer are, but are not limited to:

The Threat to Public Safety in the
Absence of the Pursuit

1. severity of crime/offense believed to have been committed by one or more occupants of the vehicle;
2. the nature and degree of the threat to public safety should vehicle not be stopped;
3. Alternatives to pursuit (e.g. boxing in suspect vehicle);
4. whether the identity of the occupant is known to the point where later apprehension is possible.

The Foreseeable Threat to Public Safety
Arising from the Pursuit

1. driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued;
2. type of area (residential, commercial, school zone; and the volume, type, speed and direction of vehicle traffic);
3. population density (including volume of and pedestrian traffic);
4. presence and operational status of emergency warning equipment (lights and sirens);
5. type of police vehicle (unmarked cruiser, marked cruiser, motorcycle);
6. time of day;
7. road and weather conditions;
8. officer(s) familiarity with the area;
9. speeds involved;
10. quality of radio communications;
11. presence of other persons in the pursued vehicle.

Sec. 4 Transmitting Information: When an officer encounters a situation where a pursuit is warranted, the officer shall notify the Operations Division immediately. Whenever the operator of the vehicle which is being pursued fails to stop after having been directed or signaled to do so, the pursuing officer shall immediately inform the dispatcher of the following information:

- The call sign of the unit involved in the pursuit.
- The reason for the pursuit (e.g., offense committed).
- The best possible description of the vehicle and its occupants.
- The direction of travel, the roadways being used, the estimated speed of the suspect vehicle and the speed of the police vehicle. This information must be constantly updated by the pursuing unit.

Sec. 5 Control and Coordination: Upon receipt of a transmission from a unit engaged in a pursuit, the dispatcher has the primary responsibility for coordinating the efforts of all the units involved. Specifically:

- A. The Dispatcher shall notify the Patrol Supervisor of the district where the pursuit is taking place and the Operations Division Supervisor as soon as practicable.
- B. The Dispatcher shall order the frequency cleared and shall deploy any additional units deemed necessary.
- C. No officer shall, at any time, operate a Department vehicle at such a rate of speed or in such a manner as to cause the officer to lose control over the operation and/or direction of their vehicle or otherwise needlessly endanger the public.
- D. Officers engaged in a pursuit shall not pursue a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If an officer does pursue a vehicle traveling the wrong way on a one way street, a detailed explanation of the circumstances and the justification for such action shall be included in the Pursuit Report (BPD Form 1647, revised 3/89) completed by the Operations Division Supervisor.
- E. Officers shall continuously evaluate and assess the conditions in the area and shall discontinue the pursuit in accordance with Section 13 of this Rule if it would be unreasonable to continue. Upon discontinuing a pursuit, officers shall immediately disengage from following the suspect vehicle, and shall immediately notify the Operations Division that they have discontinued the pursuit.
- F. Officers shall conform to the provisions of Massachusetts General Law, chapter 89, Section 7B, and use the blue emergency lights and siren of their vehicle when engaged in a pursuit. Massachusetts General Law, Chapter 89, section 7B, Operation of Emergency Vehicles, states:

The driver of a vehicle of a fire, police, or recognized protective department, and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance, or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or a recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.

The driver of any such approaching emergency vehicle shall comply with the provisions of section fourteen of chapter ninety when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing.

Sec. 6 Pursuit with Passengers Prohibited: Officers shall not engage in a pursuit when their vehicle is occupied by prisoners, suspects, complainants, witnesses or any other persons not on duty either as police officers for the City of Boston or for another law enforcement agency working with or assisting the Department. This restriction applies regardless of whether or not the passenger has signed a waiver of liability, i.e., "ride alongs."

Sec. 7 Unmarked Units: Department policy shall be that only marked units lead a pursuit.

Whenever officers assigned to unmarked vehicles are following a suspect vehicle which then accelerates and/or fails to stop after having been directed to do so, the officers shall notify the dispatcher of the vehicle with which they are concerned, and after providing all information relevant to the suspect vehicle, may continue to follow such vehicle, but shall observe all motor vehicle laws until relieved by a marked unit. Upon being relieved by a marked response unit, the unmarked unit shall discontinue pursuit and follow at a safe distance.

Sec. 8 Personal Vehicles: No police officer shall use a personal or private motor vehicle to engage in a pursuit. An officer who witnesses the commission or attempted commission of a violent or life threatening felony or observes a vehicle being operated in an erratic or dangerous manner which poses a threat of harm to the public if it is not stopped shall, if they are in a personal or private motor vehicle, notify the Operations Division of the vehicle involved, its direction of travel and the crime involved. The officer may then, with the permission of the dispatcher, follow the vehicle but only if it is possible to do so in conformance to all traffic laws and without creating an undue risk of harm to the public or themselves.

Sec. 9 Motorcycle Units: If a pursuit is initiated by a motorcycle unit, the motorcycle unit shall discontinue the pursuit as soon as a marked Department vehicle engages in the pursuit.

Sec. 10 Contact between Vehicles: Deliberate contact with pursued vehicles is prohibited.

Sec. 11 Firearms Discharges: Firearms shall not be discharged at or from a moving vehicle unless the officer is being threatened with deadly force by an occupant of the target vehicle. This prohibition exists for two reasons:

- A. the probability that bullets might ricochet and cause injury to innocent persons; and/or
- B. the probability of the suspect vehicle crashing and causing injury to innocent persons if the bullets do not ricochet, but disable the operator.

Sec. 12 Barricading Roadways: Barricading a roadway runs counter to the intent of this Rule and is justified only in those situations where the suspect has committed a violent or life-threatening felony and where all other methods of apprehension have failed or would be ineffective. Only a Superior Officer may authorize that a roadway be barricaded for

the purpose of apprehending the occupant(s) of a suspect vehicle. Whenever Department vehicles are utilized as barricades, they shall utilize full emergency lights and no one shall remain in or directly behind the barricade vehicle(s).

Sec. 13 Discontinuance of Pursuit: Department members shall discontinue a pursuit when conditions make it unreasonable to continue and/or when ordered to do so by either the Operations Division Dispatcher, the Area/District Patrol Supervisor, the Operations Division Supervisory or any Superior Officer of the Boston Police Department. The same factors which were considered prior to engaging in a pursuit shall be continuously considered in determining whether or not to discontinue a pursuit once it has begun.

The officer operating the primary pursuit vehicle shall be prepared to articulate the facts justifying any decision to initiate, continue and/or discontinue a pursuit.

Sec. 14 Operations Division Dispatcher's Responsibilities: The dispatcher shall:

- Deploy available resources in an effort to contain the situation prior to commencement of a high-speed pursuit.
- Control and coordinate the efforts of all involved.
- Notify the affected Patrol Supervisor and Operations Division Supervisor.
- Deploy or limit as many units as necessary.
- Closely monitor the progress of the pursuit.
- Activate BAPERN when outside agencies are involved or pursuit is leaving the City of Boston.
- Direct the pursuit be discontinued, pursuant to Section 13 of this Rule, if continuance appears unreasonable.

Sec. 15 Patrol Supervisor's Responsibilities: The Patrol Supervisor shall:

- Monitor and evaluate any pursuit which occurs on his area of responsibility and limit participation therein.
- Be prepared to order the pursuit be discontinued, pursuant to Section 14 of this Rule, and do so, if conditions warrant it.
- Be responsible for controlling police action at the scene of the termination of a pursuit and ensuring adherence to Department policies.
- Retain supervisory responsibility until the termination scene is cleared and all reports are completed.
- Document the pursuit on the Supervisor's Activity Log, and
- Before the end of the tour of duty, complete a Pursuit Report (BPD Form 1647, revised 3/89) and submit it through the Duty Supervisor to the District Commander.

Sec. 16 Operations Division Supervisor's Responsibilities: The Operations Division Supervisor, upon being made aware of the initiation of a pursuit by the dispatcher, shall:

- Become familiar with the details as soon as it is practicable.
- Monitor the progress of units engaged in the pursuit and shall be prepared to order that a pursuit be discontinued, pursuant to Section 14 of this Rule when conditions warrant that it be discontinued.

Sec. 17 Outside Law Enforcement Agencies Conducting a Pursuit in the City of Boston: All federal, state and local law enforcement agencies conducting a pursuit in or about to enter the confines of the City of Boston, regardless of the primary jurisdiction of the roadway on which the pursuit is being conducted, are requested to notify the Boston Police Operations Division (preferably via BAPERD).

Upon notification, the Boston Police Department will activate BAPERD and coordinate and control all pursuits with the exception of those which may occur on the Southeast Expressway, Storrow Drive and the Massachusetts Turnpike.

The agency conducting the pursuit will be requested to provide the Operations Division with the following information:

- The identification of the unit in pursuit by call sign and the law enforcement agency to which it belongs;
- The best possible description of the vehicle and its occupants;
- The reason for the pursuit, especially the nature of the offense involved;
- The direction of travel, an estimate of the speed of the suspect vehicle and the roadways being used.

The dispatcher shall initiate a request for relevant information immediately on being made aware of a pursuit conducted by an outside agency entering the City of Boston.

Upon being apprised of such pursuit, the dispatcher is to notify the Patrol Supervisor of the affected district and the Operations Division Supervisor as soon as practicable.

The Patrol Supervisor of the affected district will acknowledge receipt of the information.

Unless specifically authorized by a Boston Police Department Dispatcher, no Boston Police unit shall join in a pursuit initiated by another law enforcement agency. This does not preclude a unit from being assigned to a point of advantage or being dispatched to the scene of a termination of pursuit to assist officers of another law enforcement agency.

The authority to terminate participation by Boston Police units in any vehicular pursuit conducted by another law enforcement agency shall be shared among the Operations Division Supervisor, the Area/District Patrol Supervisor and the Operations Dispatcher. Should the decision to terminate the pursuit be made, all Boston Police units which may be involved shall terminate their participation immediately.

While the Boston Police Department recognizes the statutory authority of outside law enforcement agencies to conduct fresh and continued pursuit into other jurisdictions (MGL Ch. 41, Sec. 98A), if the decision is made to terminate Boston Police participation in a pursuit, any outside agency which is involved in the pursuit shall be so advised of that decision and the reasons therefore.

Sec. 18 Pursuit into Other Jurisdictions: When a pursued vehicle leaves the City of Boston the pursuing officers shall notify the dispatcher who shall transmit the information outlined in Section 3 via BAPERN to the police department having primary jurisdiction.

Boston Police Officers shall not pursue persons suspected of committing a misdemeanor into another jurisdiction and shall only pursue felons when the occupants of the vehicle are known to be wanted for the commission or attempted commission of a violent or life threatening felony. In addition, the offense the suspects are wanted for must have been committed in the City of Boston. (See, M.G.L. c. 41, § 98A). Should a wanted misdemeanant enter a jurisdiction other than the City of Boston, the Operations Division shall notify the agency of primary jurisdiction of the suspect's presence and the specific violation for which the suspect is wanted.

Boston Police Operations shall request they be advised by the agency of primary jurisdiction if they decline to continue the pursuit or decide to terminate it and will act accordingly by seeking appropriate complaints, whenever possible.

Sec. 19 Pursuit Reports: The Operations Division Supervisor who monitored the pursuit shall, before ending his tour of duty, initiate a Pursuit Report Form, BPD Form 1647, revised 3/89, and ensure its submission, through appropriate channels, to the Commander of the Operations Division in which he shall detail the reasons for and the circumstances of the pursuit. The Commander of the Operations Division shall evaluate and, if necessary, obtain reports from all Police Officers involved as to their compliance with each and every section of this Rule. In order to justify decisions with respect to any type of driving conduct, the officer operating the vehicle must be able to articulate facts supporting his or her decision. Completed evaluations will subsequently be submitted to the Chief of the Bureau of Field Services.

NOTE: Rule Number 301, promulgated September 1974, revised in February 1982; revised in September 1999.