

	<b>Policy and Procedures</b>		<b>Chapter (41-8)</b>	
	<b>Subject:</b> <div style="text-align: center;"><b>Pursuit Policy</b></div>			
	<b>Issuing Authority:</b>	<b>Robert Bongiorno</b> <b>Chief of Police</b>	<b>Effective Date:</b>	
	<b>Signature:</b>	On File	<b>February 25, 2021</b>	

**Policy**

It is the policy of this department to ensure that:

- All members of the Bedford Police Department will operate with due care and exercise due regard for the safety of all persons;
- Sound judgment is used to determine the presence and the extent of major extenuating circumstances or conditions that may preclude these guidelines<sup>1</sup>.
- High-speed pursuit is not recommended or favored.

Simply stated, pursuit is clearly inappropriate when the pursuit itself endangers life more than the escape of the person(s) pursued.

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:

1. That the continued operation of the vehicle the officer intends to stop poses a **significant risk of physical harm** to the officer, the public, or others;
2. That the occupant(s) of the vehicle the officer intends to stop pose(s) a **significant risk of physical harm** to the public or others; or
3. That the occupant(s) of the vehicle is/are wanted for the commission of **specific felonious acts involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.**

**Note:** This policy **does not** authorize police pursuits for property crimes (even amounting to a felony) including receiving and/or possession of a stolen motor vehicle if no other circumstances as alluded to above are present.

*(Continued)*

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<sup>1</sup> 41.2.2 (a) + FN on page 2

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**Policy**  
*(Continued)*

No officer or employee operating a private vehicle, the Animal Control Vehicle 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 unless there are extreme exigent circumstances.

No officer shall participate in a pursuit of a motorcycle for traffic violations or a violation for refusal to stop for a police officer (Chapter 90 Section 25) whether the officer knows the motorcycle's registration number or the identity of the operator or not.

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**Definitions**

**Authorized Police Vehicle:** Any department issued vehicle whose use is authorized by a superior officer, equipped with operable emergency warning equipment, i.e. marked or unmarked cruiser, motorcycle or bicycle.

**Primary Unit:** An authorized police vehicle that is the first vehicle behind the pursued vehicle.

**Secondary Unit:** An authorized police vehicle that is actively involved in the pursuit behind the primary unit as backup.

**Supervisor:** The Officer-in-Charge (OIC), or other person-in-charge.

**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.

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**Purpose**

To establish guidelines for the safe pursuit of suspects attempting to evade apprehension.

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**Decision to Pursue**

The decision to pursue is not irrevocable, and it is the intelligent Officer who knows when to discontinue the pursuit. As a general rule, it is often better to abandon the pursuit when the risk of danger to themselves or the public is high or weather and road conditions are poor.

For an officer to be authorized to engage in a vehicular pursuit requiring or involving the violation of the posted speed limit or other traffic laws, the officer should consider the following factors when practicable:

Verses

The Risk To Public Safety In The Absence Of Pursuit	The Foreseeable Risk To Public Safety Arising From The Pursuit
<ul style="list-style-type: none"> <li>• Severity of crime/offense believed to have been committed by one or more occupants of the pursued vehicle;</li> <li>• The nature and degree of the threat to public safety should the vehicle not be stopped;</li> <li>• Alternatives to the pursuit;</li> <li>• Whether the identities of the occupants are known to the point where later apprehension is possible and applicable.</li> </ul>	<ul style="list-style-type: none"> <li>• Population density (including volume of pedestrian traffic);</li> <li>• Nature of the area (residential, commercial, school zone, and the volume type, speed and direction of vehicular traffic);</li> <li>• Officer’s familiarity with the area;</li> <li>• Road and weather conditions;</li> <li>• Time of day;</li> <li>• Speeds involved;</li> <li>• Driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued;</li> <li>• Operational status of emergency warning equipment;</li> <li>• Quality of radio communications;</li> <li>• The presence of other persons in the pursued vehicle.</li> </ul>

**Pursuing  
Officer  
Procedure<sup>2</sup>**

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When a pursuit is initiated by an officer they shall use the following procedure:

- Use emergency visual and audible devices;
  - Call the pursuit into dispatch via radio;
  - Give dispatch the following information:
    - Reason for pursuit;
    - Location and direction of travel;
    - Description of the vehicle being pursued and occupants.
  - Maintain communication with dispatch with status, location, traffic volume, speed and direction updates as possible;
  - Inform dispatch and dispatch will broadcast over Bedford Radio and the appropriate area radio if the pursuit leaves Bedford's jurisdiction;
  - Continually re-evaluate the situation for conditions and hazards that affect the safety of them and the public with regard to the continuation of the pursuit. Conditions to review should include<sup>3</sup>:
    - Time of day;
    - Volume of traffic;
    - Weather and road conditions;
    - Speed;
    - Offense committed;
    - Type of vehicle involved;
    - Identity of the operator;
    - Extenuating and any other condition that may affect the safety of the officer and any other individual.
  - Visually maintain contact with the pursued vehicle;
  - Once the pursued suspect vehicle stops, the officer should follow the ***appropriate policy for felony motor vehicle stops.***
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<sup>2</sup> 41.2.2 (b)

<sup>3</sup> 41.2.2 (a) + FN on page 1

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**Use of Deadly Force**

The *Use of Force Policy (Chapter 1-1)* governs the use of deadly force.

**Discharging a firearm into or at a fleeing motor vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person.**

**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

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**Officer in Charge Procedure<sup>4</sup>**

The Officer in Charge should use the following procedure:

- 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.
  - Assume command of the pursuit from their location;
  - Shall monitor incoming information and coordinate activities as needed to ensure that proper procedures are followed.
  - Issue orders and maintain control through the use of the radio system;
  - Authorize more than two (2) vehicles if circumstances arise, based upon the severity of the crime, number of suspects, etc.;
  - Shall continually reevaluate the need to continue the pursuit.
  - Terminate the pursuit, at any time, especially when [s]he believes 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.
  - Shall respond to the location where a vehicle has been stopped following a pursuit.
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<sup>4</sup> 41.2.2 (f)

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**Dispatch Procedures<sup>5</sup>**

The emergency communications officers (dispatch) shall use the following procedure once they are informed of a pursuit by a Bedford Police Officer:

- Immediately inform the Officer-in-Charge.
  - Receive and record all incoming information regarding the pursued vehicle.
  - Perform relevant record and motor vehicle checks as expeditiously as possible;
  - Broadcast over the Bedford Radio and the appropriate area radio;
  - Advise all other units to maintain radio silence;
  - If the pursuit is proceeding into another jurisdiction, notify the affected agencies and request their assistance;
  - If the pursuit is proceeding onto a roadway (e.g. Route 3 or 128) with State Police jurisdiction, notify the State Police and request their assistance, air support may be requested based on circumstances;
  - Once the pursuit has ended, notify all affected agencies of its end, if there were any arrests and thank them for their assistance.
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**Two Vehicle Pursuits<sup>6</sup>**

If there are two vehicles in pursuit of a suspect, the following procedures shall be followed as well:

- Only one vehicle shall be involved in a pursuit unless the Officer-in-Charge orders otherwise.
  - The second vehicle will make the radio transmissions of the activity unless they request the primary vehicle to do so (only one vehicle should be using the radio);
  - The lead vehicle will also make the decision to terminate the pursuit, unless they are ordered to stop;
  - The back up vehicle will maintain a safe distance behind the lead vehicle, but remain close enough to provide aid if necessary.
  - “Caravanning” of police vehicles by paralleling the pursuit or attempting to join is not allowed.
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<sup>5</sup> 41.2.2 (e)

<sup>6</sup> 41.2.2 (c)

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**Termination of the Pursuit<sup>7</sup>**

The pursuit shall stop in any of the following circumstances:

- The suspect is apprehended;
- 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;
- Upon receipt of a notice to terminate the pursuit from a supervisor, the primary, secondary and any other units **shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.** 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.
- The environmental conditions indicate the futility of the pursuit;
- The offense is for motor vehicle violations only and the operator becomes known to the pursuing officer;
- It is determined by the pursuing officer that the pursuit cannot result in apprehension.

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**Tire Deflation Devices**

Tire deflation devices may be used according to the *Tire Deflation Device Policy (Chapter 41-9)*.

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<sup>7</sup> 41.2.2 (g)

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**Boxing-In and Heading Off**

**Boxing-In:** An active attempt to terminate a pursuit by surrounding the pursued vehicle with the primary, secondary, or other units which are then slowed to a stop.

**Heading Off:** An active attempt to terminate a pursuit by the primary unit pulling ahead of the pursued vehicle in a manner to force the pursued vehicle to come to a stop or risk collision with the primary unit.

**Boxing-in and Heading Off** may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the driver and/or occupants of the **vehicle pose a clear and immediate threat of death or serious physical injury to the public** and/or other occupants of the pursued vehicle. This tactic may be utilized only when authorized by a supervisor and it is reasonable to believe that allowing the vehicle to escape will not reduce the perceived risk of death or serious physical injury to the public and/or the occupants of the pursued vehicle.

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**Special Notes**

- No officer should use their vehicle as a roadblock that could result in injury or death to themselves or the operator and passengers of the pursued vehicle.
  - Intentional contact between a police vehicle and the pursued vehicle is strictly forbidden<sup>8</sup>.
  - No officer shall pursue a vehicle the wrong way on a one-way street or the wrong way on a divided highway.
  - No officer shall become involved in a pursuit with a non-sworn individual as a passenger.
  - No unmarked, non-conspicuous vehicle or motorcycle shall be involved as a primary lead vehicle in a pursuit unless exigent circumstances exist.
  - Once a marked unit has intercepted and undertaken the pursuit, the unmarked unit shall immediately abandon the pursuit<sup>9</sup>.
  - Pursuits of motorcycles, dirt bikes or snowmobiles should not be attempted unless there are extreme exigent circumstances.
  - Personal private vehicles shall not engage in a pursuit.
  - Follow all emergency-driving rules according to M.G.L. C.89 S.7B.
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<sup>8</sup> 41.2.3 (g) + Tire Deflation Device Policy

<sup>9</sup> 41.2.2 (d) + line above it



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**Pursuits within the Commonwealth**

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

- The offense is one for which the officer would have the right of arrest without a warrant within his/her jurisdiction;
- The offense was committed in the officer's presence; and
- The offense was committed within the officer's jurisdiction.

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**Pursuits from other jurisdictions<sup>10</sup>**

The following procedure is for pursuits entering Bedford from another jurisdiction:

- If another jurisdiction contacts the department requesting aid for a pursuit, **dispatch** shall immediately notify the officer in charge;
  - The **Officer in Charge** will decide if Bedford will become involved in the pursuit;
  - **No patrol vehicle** will be involved in the pursuit without the direct approval of the **Officer in Charge**;
  - During this type of pursuit, the Bedford **patrol officer** will be the back up officer and allow the originating jurisdiction the lead position.
  - The **patrol officer** will end the pursuit if the pursued vehicle leaves Bedford's jurisdiction and the lead unit has other officers present as back up units or if ordered to do so.
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<sup>10</sup> 41.2.2 (h)

**Out-of-State Pursuits<sup>11</sup>**

Out-of-State pursuits will only be allowed as follows:

- On fresh and continued pursuit, a police officer may pursue and arrest a person who wanted for the commission of specific felonious acts involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons into any neighboring state.
- The Officer in Charge authorizes such pursuit.

**Out-of-State Pursuit Procedures<sup>12</sup>**

The Pursuing officer shall also do the following if a pursuit for a felony only goes into another State:

- Allow the law enforcement agency having jurisdiction to become the lead unit during the pursuit;
- Become the backup vehicle for the agency with jurisdiction;
- Allow the agency with jurisdiction to make any arrest as a Fugitive from Justice with the legal requirements as dictated by law.

**Reporting<sup>13</sup>**

Both the officer in the lead pursuit vehicle and the Officer-in-Charge shall complete reports no later than the end of the tour of duty giving a full account of the pursuit and the reasons for their participation as follows:

<b>Officer</b>	<b>Report</b>
Officer in Pursuit	<ul style="list-style-type: none"> <li>• Incident Report through the Pamet system;</li> <li>• IACP Pursuit Project Form</li> </ul>
Officer in Charge	Written report to the Chief of Police for notification of the facts surrounding the incident by an Incident Report through the Pamet system.

<sup>11</sup> 41.2.2 (h)

<sup>12</sup> 41.2.2 (h)

<sup>13</sup> 41.2.2 (i) + Administrative Review on next page

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**Administrative Review**

The Police Chief and the Patrol Lieutenant shall review the reports and the tapes of the radio transmissions and the video recordings from the cruisers involved (if activated) for the purpose of critiquing the incident and shall notify the officer(s) involved of their findings, as long as they were not personally involved in the pursuit.

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**Annual Review<sup>14</sup>**

There shall be an annual review of all pursuits for the prior year by the Chief of Police, the Patrol Lieutenant and any other essential personnel as may be necessary. At the completion of the annual review there should be a documented analysis that may reveal patterns or trends that indicate training needs and / or policy modifications.

Factors to be considered:

- Frequency of pursuits;
- Pursuit date/time and (shift);
- Original violation or offense;
- Reason for terminating the pursuit;
- Injuries;
- Property damage;
- Were emergency lights and siren used?;
- Did a supervisor take control of pursuit?;
- Supervisor - years on the job;
- Primary officer - years on the job
- Average length of time and distance of pursuit;
- Did pursuit leave cities jurisdiction?;
- Suspect information;
- Did pursuit comply with our department policy and procedures?
- Training issues identified.

The Accreditation Manager shall request an annual review meeting of the year's pursuits. The Committee will include; the Chief of Police, the Patrol Lieutenant, the Detective Lieutenant and the Accreditation Manager. A final summary report will be issued by the Accreditation Manager to the Chief of Police.

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<sup>14</sup> 41.2.3

## Pursuit Policy Information

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**History**

February 25, 2021 – Replaces Pursuit Policy (Chapter 41-8) issued on July 12, 2018.

July 12, 2018 – Replaces Pursuit Policy (Chapter 41-8) issued on March 30, 2018.

March 30, 2015 – Replaces Pursuit Policy (Chapter 41-8) issued on June 11, 2013.

June 11, 2013 – Replaces Pursuit Policy (Chapter 41-8) issued on May 22, 2013.

May 22, 2013 – Replaces Pursuit Policy (Chapter 41-8) issued on October 1, 2005.

October 1, 2005 – Replaces Pursuit Policy (PAT-005)

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**Review Date**

This policy is scheduled for review every year and updated if needed.

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