

XVI. TRAFFIC ACCIDENT INVESTIGATIONS

A. Policy.

Since the police officer is normally one of the first persons to arrive at the scene of an accident, is his prompt attention to the medical and other needs of those involved which prevents the needless loss of life. It is his prompt clearance from the scene of any hazard or obstruction caused by the accident which prevents additional accidents, and further injury and loss of life. It is his filing of a thorough and carefully prepared report which assists other authorities in trying to more precisely define the causes of traffic accidents in general, in the hope that more effective preventive measures may be discovered and implemented. In this function and in all other areas possible, the officer is to closely coordinate his work with the Registry of Motor Vehicles. In addition, the officer also has a law enforcement function. He is to see to it that all violations surrounding the accident are discovered and properly prosecuted.

B. State Law on Reports of Traffic Accidents.

1. Relative to Operators of Vehicles Involved in Accidents.

"Every person operating a motor vehicle which is in any manner involved in an accident in which any person is killed or injured, or in which there is damage in excess of two hundred dollars, shall within five days after such accident report in writing to the registrar on a form approved by him, and send a copy of the report to the police department having jurisdiction over the place on the way where such accident occurred." (Certain exemptions for incapacity follow, as well as requirements in situations where the report is judged insufficient.) "The registrar may revoke or suspend the license of any person violating this section. "M.G.L. c. 90 §26.

2. Relative to the Police.

"The chief officer of the police department of every city and town, or the chief officer of the police department supervising the accident investigation if two departments have concurrent jurisdiction, shall notify the registrar within fifteen days upon blanks furnished by him, of the particulars of every accident referred to in the above section twenty-six which happens within the limits of his city, town or jurisdiction in which a motor vehicle is involved, together with such further information relative to such accident as the registrar may require, and shall also, if possible, ascertain the name of the person operating such vehicle and notify the registrar of the same." M.G.L. c. 90 § 90 (in part).

C. Accident Scene Procedures.

1. Arrival at the Scene.

A police officer at the scene is to:

- a. Park his car in such a way as to allow convenient and immediate use without obstructing access to the scene.
- b. Use his car at appropriate times as a barricade to protect seriously injured persons.
- c. As soon as practicable, inform the Station of the seriousness of the accident and whether additional assistance is required.

2. Officers at the Scene.

- a. Accidents involving death or serious injury.
 - 1) In the case of all accidents involving death or grave injury, the Communications Unit is to notify the officer in Charge of the Accident Investigation Unit of the Traffic Bureau, who is then to proceed to the scene of the accident.
 - 2) The Patrol Supervisor is to send as many additional officers to the scene as he feels are necessary to effectively handle the situation.
- b. All other reportable accidents.

The Patrol Supervisor is to see to it that all other types of reportable accidents are immediately investigated by a member of his command and that the required reports are filed, and the proper enforcement action taken.

3. Command.

- a. Accidents involving death or grave injuries.
 - 1) The first officer to arrive at the scene of the accident is to take command of the investigation until relieved by the Officer in Charge of the Accident Investigation Unit of the Traffic Bureau or an officer of higher rank.
 - 2) Upon his arrival at the scene, the Officer in Charge of the Accident Investigation Unit of the Traffic Bureau is to assume command of the on-scene and follow-up investigation unless relieved by an officer of higher rank.
 - 3) Responsibility for the final investigation of all such accidents, regardless of who was in command of the on-scene investigation, is to remain with the Officer in Charge of the Accident Investigation Unit of the Traffic Bureau.
- b. All other reportable accidents.

The first officer to arrive at the scene of the accident is to assume command, until relieved by an officer of higher rank.

4. Care of the Injured.

The officer in command is to:

- a. Administer proper first aid and, if necessary, summon an ambulance. This is the first duty.
- b. Request assistance of bystanders, if necessary.
- c. If money or other valuable articles are handled or taken into custody for safekeeping, see to it that regular Departmental procedures regarding said are followed.

5. Securing the Accident Scene.

The officer in command is to:

- a. Take immediate measures to prevent the occurrence of additional accidents.
- b. See to it that there is ready access for ambulances and tow vehicles. Use flares and other warning devices as needed.
- c. Keep spectators off the roadway and out of the way of persons and vehicles properly engaged at the scene. See to it that vehicles obstructing traffic are moved as soon as investigation responsibilities allow.
- d. Request the assistance of bystanders, if necessary.
- e. In appropriate cases, block off the street at adjacent intersections until such time as the accident scene is cleared.
- f. If oil or gas has been spilled, see to it that the Fire Department is notified immediately.

6. On-Scene Investigation.

- a. Questioning operators of vehicles involved. The officer in command is to:
 - 1) Especially when a serious accident has occurred, keep the operators in view and request them to remain at the scene until the conclusion of the on-scene investigation, unless, of course, they require medical attention.

- 2) Examine and retain temporarily operators' drivers licenses. (This can be an effective means of keeping the operators at the scene). When requesting the licenses, do not accept billfolds or purses but ask the owner to remove his license from such.
- 3) As soon as practicable take the drivers' accounts of what occurred. Take detailed notes, including the following information:
 - a) The names and addresses of the vehicle operators, and of any parties injured.
 - b) Each operator's drivers license number, and the number of years each operator has had a license to drive a motor vehicle.
 - c) The names and addresses of the vehicle owners.
 - d) The license numbers and registration numbers of the vehicles involved.
 - e) Any visible signs of injury of any of the parties involved, such as a bleeding wound or distorted member.
 - f) The condition of the injured party, whether or not he has been sent to a hospital.
 - g) The fact that the injured parties were or were not wearing seat belts or helmets.

b. Questioning witnesses.

- 1) In all fatal and serious personal injury accidents, in all hit and run accidents involving injury or property damage and in all accidents involving damage to city property, take written statements from both operators and witnesses. If a person is in danger of dying, carefully note any dying declarations.
- 2) Carefully observe all persons for signs of injury, intoxication and other facts which may affect the accuracy of their accounts.
- 3) Give priority to those witnesses who were closest to the scene of the accident. Afterwards, question persons further away.
- 4) For the first series of questioning separate witnesses to obtain their individual versions without interference or interruptions. Then bring them together to restate their individual versions of the accident in the presence of each other and of the operators.

- 5) If necessary, make visits to homes, stores and other places of business after the crowd has dispersed in order to look for witnesses and to take advantage of the natural tendency of persons to speak more freely when other persons are absent.
- c. Describing the scene.
- 1) Record all facts, physical evidence and conditions at the scene of an accident including:
 - a) Time, date and place of the accident.
 - b) Type of district in which accident occurred.
 - c) Type of roadway--straight, curve, etc.
 - d) Means of traffic control--beacons, stop signs, etc., or none.
 - e) Light and atmospheric conditions.
 - f) Condition of roadway and of road surface.
 - g) Obstructions in the roadway.
 - h) Obstructions to view.
 - 2) Measure tire marks, positions of cars, etc., and see to it that all police officers conducting the investigation see each end of the tape measure.
 - 3) Have photographs taken as required.
- d. Inspecting the vehicles.
- 1) Insofar as possible, check all vehicles for:
 - a) Defective brakes.
 - b) Lights.
 - c) Horns.
 - d) Windshield wipers, when appropriate, etc.
- e. Drawing of conclusions.
- 1) The on-scene investigation should bring to light the principal causes of the accident, and the officer in command is to note his conclusions in reference to them.

- 2) If he discovers violations of the law, he is to note these together with other relevant information. (The thoroughness with which the investigation is handled is important in determining the weight to be given these conclusions by others.)

7. Removal of Vehicles and Other Debris.

The officer in command is to:

- a. After the accident scene has been properly examined, clear the scene in order that normal traffic may resume.
- b. See to it that all vehicles involved are removed to a garage or other place of safety as determined by current Departmental procedures. However, if the owner of a disabled vehicle is present, allow him, unless the officer in Charge of the Accident Investigation Unit or the Patrol Supervisor directs otherwise, to remove the vehicle himself, if he can do so, within 2 hours.
- c. If the owner is either not present, has no preference or is unable to express a preference due to his physical condition, have the vehicle towed.
- d. See to it that all debris such as glass, parts of vehicles, etc., is cleared from the pavement.

D. Follow-Up Investigation.

The officer in command is to:

1. Interview injured persons if necessary and if the attending physician allows it.
2. If necessary visit the morgue to view the bodies of deceased persons in order to take note of the appearance of the clothing and exact location of the injuries that caused death.
3. If he finds it necessary, continue searching for witnesses and other information in order to more clearly define the cause of the accident. Such information may include:
 - a. Familiarity of drivers with street or intersection at which accident occurred.
 - b. Past driving record.
 - c. Presence of any defective traffic control devices in the area.
 - d. Any vehicular malfunction.
 - e. Other information useful in testing the stories of the operators.

E. Prosecution.

1. If there is sufficient evidence to support prosecution, criminal charges are to be brought. The Officer in Charge of the Accident Investigation Unit of the Traffic Bureau is to be consulted during the preparation of such case for prosecution.
2. The complaining officer is to:
 - a. State the charge in as specific terms as possible, rather than through such expressions as "reckless driving," "driving as to endanger," and so on.
 - b. Carefully study, prepare and document in advance of prosecution all evidence and witness testimony as with other prosecutions. (See the District Court Procedures and Court Testimony Guidelines sections in this chapter.)

F. Reports.

1. The officer in charge of the investigation is to fill out:
 - a. A police report of the accident.
 - b. A Registry of Motor Vehicles report.
 - c. A Medical Examiners report if deaths occurred as a result of the accident.
2. He is to send such reports to the Bureau of Records and Property Office with the morning reports.

**NOTE: INCORPORATE PERTINENT INFORMATION IN THE APPROPRIATE
PLACE IN THE MANUAL**

City of Cambridge
Police Department
Office of the Commissioner
Memorandum

To: All Commanding Officers

Date: July 29, 1993

From: Perry L. Anderson, Jr., Police Commissioner

Subject: Motor Vehicle Accidents involving Police Vehicles

Ref.:

Effective immediately, the following procedure will be followed in the event of a motor vehicle accident involving either a marked or unmarked vehicle of the Cambridge Police Department:

1. Upon notification to Communications of a police vehicle involved in a motor vehicle accident, a Sector Sergeant and a patrol unit will be dispatched to the scene.
2. The patrol unit responding to the scene will be responsible for completing a City Solicitor's Report and the Police Report of a Motor Vehicle Accident.
3. The operator of the police vehicle involved in the accident will be responsible for completing the Operator's Report of a Motor Vehicle Accident and a P650 to his/her commanding officer detailing the incident.
4. The responding Sector Sergeant will be responsible for completing a P650 to his/her commanding officer detailing his/her assessment of the incident. All reports and P650's will be reviewed for completeness, approved and initialed by the Supervisor before being submitted to the respective commanding officer.
5. The respective commanding officer will forward a photocopy of all reports to the Department's hearing officer for motor vehicle accident review and finding. All original reports will be forwarded to the Commanding Officers Administration Section who is responsible for all vehicles.
6. The Commanding Officer, Administration Section will forward the Police Report of a Motor Vehicle Accident to the Accident Investigation Unit, will make contact and coordinate, with the Department's insurance carrier (if appropriate), and will forward all necessary reports to the Registry of Motor Vehicles in accordance with M.G.L. c90, s26.

Effective immediately, Deputy Superintendent Gloria Pimentel is designated as the Cambridge Police Department's hearing officer for motor vehicle accident review.

Perry L. Anderson, Jr.
Police Commissioner

NOTE: INCORPORATE PERTINENT INFORMATION IN THE APPROPRIATE PLACE IN THE MANUAL

To: All Commanding Officers

Circulation Date: February 11, 1985

Subject: General Order #5 Series of 1985

Reference: Motor Vehicle Accidents Involving Police Vehicles

Effective immediately, the following procedure will be followed in the event of a motor vehicle accident involving either a marked or unmarked vehicle of the Cambridge Police Department:

1. Upon notification to Communications of a police vehicle involved in a motor vehicle accident, a Sector Sergeant and a patrol unit shall be dispatched to the scene.
2. The patrol unit responding to the scene shall be responsible for completing a City Solicitor's Report and the Police Report of a Motor Vehicle Accident.
3. The operator of the police vehicle involved in the accident shall be responsible for completing the Operator's Report of a Motor Vehicle Accident and a P650 to his/her commanding officer detailing the incident.
4. The responding Sector Sergeant shall be responsible for completing a P650 to his/her commanding officer detailing his/her assessment of the incident.
5. All reports and P650s will be acknowledged and initiated by the Front Desk Supervisor before being submitted to the respective commanding officer for review. The Police Report of a Motor Vehicle Accident shall be forwarded to the Accident Investigation Unit as soon as possible. The commanding officer will forward all other reports to the Commanding Officer, Services Division, who is responsible for all vehicles, for appropriate distribution.

This procedure will be adhered to regardless of the amount of damage to the police vehicle.

The Commanding Officers of all police units will promulgate this General Order by reading it at EIGHT ROLL CALLS following the receipt thereof.

Per order

Anthony G. Paolillo

Chief of Police

**NOTE: INCORPORATE PERTINENT INFORMATION IN THE APPROPRIATE
PLACE IN THE MANUAL**

To: All Commanding Officers
Circulation Date: March 4, 1991
Subject: General Order #64 Series of 1984
Reference: Pursuit Driving (Reissue)

Effective immediately, General Order #30, Series of 1974, is amended and reissued as follows:

I. General Policy Considerations

A. Definitions

1. Motorized pursuit shall mean the operation of a police vehicle in pursuit of a fleeing suspect.
2. High speed pursuit refers to motorized pursuit at speeds that consistently exceed the legal speed limit.
3. Police vehicle shall include only those motor vehicles assigned by the police department and used by a member of the department acting in his/her capacity as a police officer.

B. Vested Authority.

M.G.L. c89, s7b, Operation of Emergency Vehicles, states that "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 bylaw related 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 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 MGL c90, s14 when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing."

II. Factors to Consider in a Pursuit Situation.

A. Officer Responsibility.

1. Sworn members of the Department have a responsibility to identify perpetrators of criminal acts and to supply whatever means are lawful, reasonable and appropriate to effect their apprehension and appearance before a court of law. The mobility of both criminals and police, along with the natural tendency of suspects to attempt avoiding arrest, makes the task difficult and often results in motorized pursuits.
2. During a motorized or high speed pursuit, the police officer must remain calm and collected. The officer must not take unnecessary chances which might endanger the safety of citizens in general, the officer's personal safety, and the safety of the police vehicle.
3. An officer should develop good habits in his/her driving and general police procedure so that when the officer finds himself in an emergency situation, the officer will automatically perform the tasks that the officer's habit pattern indicate.
4. An officer considering pursuit should weigh the seriousness of the offense against the possibility of personal injury or property damage. The officer should also consider the possibility of a delayed apprehension of the suspect. When the identity of the suspect is known and he/she does not present an immediate danger to the community, the pursuing officer should avoid excessive speeds and obey traffic signals even if the result is a delayed apprehension.
5. Officers shall not pursue a vehicle at high speed when transporting prisoners, or passengers who are not on duty as Cambridge police officers. This section applies regardless of whether or not the passenger has signed a waiver liability.
6. The officer involved in pursuit should take into consideration the condition of the roads, the degree of traffic, the weather conditions, and other environmental factors. The officer's driving should reflect the observed conditions.
7. The officer involved in motorized or high speed pursuit should take into consideration the type of police vehicle being operated and should drive accordingly.

B. Pursued Suspect.

1. In conducting a pursuit as effectively as possible, it is wise for the officer to evaluate the feelings and pressures of the suspect being pursued. The suspect is under pressure to escape and may be acting irrationally.

2. The suspect, unless under the influence of alcohol, narcotics or other drugs, is usually more emotional and subject to taking chances. Officers should take advantage of this by following the suspect rather than attempting to overtake the pursued vehicle through dangerous maneuvers. Keeping a safe distance allows easier maneuvering and gives the officer a better view of the overall traffic situation.
3. The senses of pursued suspect who is under the influence of alcohol, narcotics or other drugs will be affected. Movements and actions may be unpredictable and not normal for the situation.

III. Pursuit Procedure.

A. The officer engaged in motorized or high speed pursuit shall:

1. Notify the Sector Sergeant and Communications of the pursuit as soon as it is imminent and broadcast a description of the vehicle, a description of the suspect(s), the offense for which the suspect is wanted, and the direction of travel.
2. Inform the Sector Sergeant and Communications of each change in direction of travel so that assisting units may be directed to the pursuit area in a manner which will ensure safety.
3. Activate the blue lights and siren of the police vehicle. Each officer engaged in the pursuit shall comply.
4. Plan on other vehicles entering each blind intersection that is approached. It is easy for a driver of another vehicle with the windows rolled up to not hear the siren.
5. Remember to use directional signals during the pursuit in order to communicate his/her intentions to other approaching vehicles.
6. Avoid deliberate contact with the pursued vehicle.
7. Not discharge a firearm while driving or occupying a vehicle engaged in motorized or high speed pursuit unless returning fire at an occupant of the pursued vehicle, taking into consideration the surroundings and the safety of the public.
8. Abandon the pursuit when ordered to do so by the Sector Sergeant or any other Superior Officer or when traffic and/or weather conditions make further pursuit dangerous.
9. Upon leaving the City of Cambridge limits, relay a full description of the pursued vehicle, the suspect(s), and the offense to the appropriate police agency through the Sector Sergeant and Communications.

10. Before the end of the tour of duty in which the pursuit took place, submit a pursuit report to his/her Commanding Officer detailing the reasons for and the circumstances surrounding the pursuit. Only the officer initiating the pursuit shall make out the report.
- B. During a pursuit, all police units in the vicinity which are able to assist must make the Sector Sergeant and Communications aware of their availability and follow proper deployment instructions. Units will remain uninvolved unless authorized to participate and will exercise extreme caution when driving in the pursuit area.
- C. Upon receiving a transmission of a pursuit, the Sector Sergeant or any other Superior Officer will order the area cleared of other police units and will send assist units to the vicinity of the pursuit as needed.

The Sector Sergeant and/or Patrol Supervisor shall be notified immediately of any motorized or high speed pursuit and shall have full authority and responsibility to direct such pursuit including the termination of such pursuit.

It shall be the responsibility of the Sector Sergeant to ensure that all officers involved in a motorized or high speed pursuit comply with this pursuit policy.

The Commanding Officers of all police units will promulgate this General Order by reading it at EIGHT ROLL CALLS following the receipt thereof.

PER ORDER,
Captain Henry W. Breen
Acting Chief of Police

NOTE: INCORPORATE PERTINENT INFORMATION IN THE APPROPRIATE PLACE IN THE MANUAL

To: All Commanding Officers
Circulation Date: September 7, 1988
Subject: General Order #41 Series of 1988
Reissue of General Order #64 of 1984
Reference: Pursuit Driving dated November 30, 1984

Effective immediately, General Order #30, Series of 1974, is amended and reissued as follows:

I. General Policy Considerations.

A. Definitions.

1. Motorized pursuit shall mean the operation of a police vehicle in pursuit of a fleeing suspect.
2. High speed pursuit refers to motorized pursuit at speeds that consistently exceed the legal speed limit.
3. Police vehicle shall include only those motor vehicles assigned by the police department and used by a member of the department acting in his/her capacity as a police officer.

B. Vested Authority.

M.G.L. c89, s7b, Operation of Emergency Vehicles, states that "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 bylaw 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 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 M.G.L. c90, s14 when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing."

II. Factors to Consider in a Pursuit Situation.

A. Officer Responsibility.

1. Sworn members of the Department have a responsibility to identify perpetrators of criminal acts and to supply whatever means are lawful, reasonable and appropriate to effect their apprehension and appearance before a court of law. The mobility of both criminals and police, along with the natural tendency of suspects to attempt avoiding arrest, makes the task difficult and often results in motorized pursuits.
2. During a motorized or high speed pursuit, the police officer must remain calm and collected. The officer must not take unnecessary chances which might endanger the safety of citizens in general, the officer's personal safety, and the safety of the police vehicle.
3. An officer should develop good habits in his/her driving and general police procedure so that when the officer finds himself in an emergency situation, the officer will automatically perform the tasks that the officer's habit pattern indicate.
4. An officer considering pursuit should weigh the seriousness of the offense against the possibility of personal injury or property damage. The officer should also consider the possibility of a delayed apprehension of the suspect. When the identity of the suspect is known and he/she does not present an immediate danger to the community, the pursuing officer should avoid excessive speeds and obey traffic signals, even if the result is a delayed apprehension.
5. Officers shall not pursue a vehicle at high speed when transporting prisoners, or passengers who are not on duty as Cambridge police officers. This section applies regardless of whether or not the passenger has signed a waiver liability.
6. The officer involved in pursuit should take into consideration the condition of the roads, the degree of traffic, the weather conditions, and other environmental factors. The officer's driving should reflect the observed conditions.
7. The officer involved in motorized or high speed pursuit should take into consideration the type of police vehicle being operated and should drive accordingly.

B . Pursued Suspect.

1. In conducting a pursuit as effectively as possible, it is wise for the officer to evaluate the feelings and pressures of the suspect being pursued. The suspect is under pressure to escape and may be acting irrationally.
2. The suspect, unless under the influence of alcohol, narcotics or other drugs, is usually more emotional and subject to taking chances. Officers should take advantage of this by following the suspect rather than attempting to overtake the

pursued vehicle through dangerous maneuvers. Keeping a safe distance allows easier maneuvering and gives the officer a better view of the overall traffic situation.

3. The senses of pursued suspect who is under the influence of alcohol, narcotics or other drugs will be affected. Movements and actions may be unpredictable and not normal for the situation.

III. Pursuit Procedure.

A. The officer engaged in motorized or high speed pursuit shall:

1. Notify the Sector Sergeant and Communications of the pursuit as soon as it is imminent and broadcast a description of the vehicle, a description of the suspect(s), the offense for which the suspect is wanted, and the direction of travel.
2. Inform the Sector Sergeant and Communications of each change in direction of travel so that assisting units may be directed to the pursuit area in a manner which will ensure safety.
3. Activate the blue lights and siren of the police vehicle. Each officer engaged in the pursuit shall comply.
4. Plan on other vehicles entering each blind intersection that is approached. It is easy for a driver of another vehicle with the windows rolled up to not hear the siren.
5. Remember to use directional signals during the pursuit in order to communicate his/her intentions to other approaching vehicles.
6. Avoid deliberate contact with the pursued vehicle.
7. Not discharge a firearm while driving or occupying a vehicle engaged in motorized or high speed pursuit unless returning fire at an occupant of the pursued vehicle, taking into consideration the surroundings and the safety of the public.
8. Abandon the pursuit when ordered to do so by the Sector Sergeant or any other Superior Officer or when traffic and/or weather conditions make further pursuit dangerous.
9. Upon leaving the City of Cambridge limits, relay a full description of the pursued vehicle, the suspect(s), and the offense to the appropriate police agency through the Sector Sergeant and Communications.
10. Before the end of the tour of duty in which the pursuit took place, submit a pursuit report to his/her Commanding Officer detailing the reasons for and the

circumstances surrounding the pursuit. Only the officer initiating the pursuit shall make out the report.

- B. During a pursuit, all police units in the vicinity which are able to assist must make the Sector Sergeant and Communications aware of their availability and follow proper deployment instructions. Units will remain uninvolved unless authorized to participate and will exercise extreme caution when driving in the pursuit area.
- C. Upon receiving a transmission of a pursuit, the Sector Sergeant or any other Superior Officer will order the area cleared of other police units and will send assist units to the vicinity of the pursuit as needed.

The Sector Sergeant and/or Patrol Supervisor shall be notified immediately of any motorized or high speed pursuit and shall have full authority and responsibility to direct such pursuit including the termination of such pursuit.

It shall be the responsibility of the Sector Sergeant to ensure that all officers involved in a motorized or high speed pursuit comply with this pursuit policy.

The Commanding Officers of all police units will promulgate this General Order by reading it at EIGHT ROLL CALLS following the receipt thereof.

PER ORDER
Anthony G. Paolillo
Chief of Police

**NOTE: INCORPORATE PERTINENT INFORMATION IN THE APPROPRIATE
PLACE IN THE MANUAL**

To: All Commanding Officers
Circulation Date: November 29, 1984
Subject: General Order #62 Series of 1984
Reference: Pursuit Driving

Effective immediately, General Order #30, Series of 1974 is amended and reissued as follows:

I. General Policy Considerations.

A. Definitions.

1. Motorized pursuit shall mean the operation of a police vehicle in pursuit of a fleeing suspect.
2. High speed pursuit refers to motorized pursuit at speeds that consistently exceed the legal speed limit.
3. Police vehicle shall include only those motor vehicles assigned and used by a member of the police department acting in his/her capacity as a police officer.

B. Vested Authority.

M.G.L. c89, s7b, Operation of Emergency Vehicles, states that "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 bylaw 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 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 M.G.L. c90, s14 when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing."

M.G.L. c90, s14 which regulates and enforces the operation of motor vehicles in the vicinity of school buses states that "when approaching a vehicle which displays a sign

bearing the words 'SCHOOL BUS' and which is equipped with front and rear alternating flashing red signal lamps which are flashing as provided in "s7b," and which has been stopped to allow pupils to alight from or board the same, a person operating a motor vehicle shall, except when approaching from the opposite direction on a divided highway, bring his vehicle to a full stop not less than fifteen feet from said school bus and shall not thereafter proceed until the warning signals are deactivated, unless directed to the contrary by a police officer duly authorized to control the movement of traffic."

II. Factors to Consider in a Pursuit Situation.

A. Officer Responsibility.

Sworn members of the Department have a responsibility to identify perpetrators of criminal acts and to supply whatever means are lawful, reasonable, and appropriate to effect their apprehension and appearance before a court of law. The mobility of both criminals and police, along with the natural tendency of suspects to attempt avoiding arrest, makes the task difficult and often results in motorized pursuits.

During a motorized or high speed pursuit, the police officer must remain calm and collected. The officer must not take unnecessary chances which might endanger the safety of citizens in general, the officer's personal safety, and the safety of the police vehicle.

An officer should develop good habits in his/her driving and general police procedure so that when the officer finds himself in an emergency situation, the officer will automatically perform the tasks that the officer's habit pattern indicate.

An officer considering pursuit should weigh the seriousness of the offense against the possibility of personal injury or property damage. The officer should also consider the possibility of a delayed apprehension of the suspect. When the identity of the suspect is known and he/she does not present an immediate danger to the community, the pursuing officer should avoid excessive speeds and obey traffic signals, even if the result is a delayed apprehension.

Officers shall not pursue a vehicle at high speed when transporting prisoners or passengers who are not on duty as Cambridge police officers. This section applies regardless of whether or not the passenger has signed a waiver liability.

The officer involved in pursuit should take into consideration the condition of the roads, the degree of traffic, the weather conditions, and other environmental factors. The officer's driving should reflect the observed conditions. The officer involved in motorized or high speed pursuit should take into consideration the type of police vehicle being operated and should drive accordingly.

B. Pursued Suspect.

In conducting a pursuit as effectively as possible, it is wise for the officer to evaluate the feelings and pressures of the suspect being pursued. The suspect is under more pressure to escape and to make decisions. Decisions made under pressure, as a rule, are often not the best ones.

The suspect, unless under the influence of alcohol, narcotics or other drugs, is usually more emotional and subject to taking chances. Officers should take advantage of this by following the suspect rather than attempt to overtake the pursued vehicle through dangerous maneuvers. Keeping a safe distance allows easier maneuvering and gives the officer a better view of the overall traffic situation.

The senses of a pursued suspect who is under the influence of alcohol, narcotics or other drugs will be affected. Movements and actions may be unpredictable and not normal for the situation.

III. Pursuit Procedure.

A. The officer engaged in motorized or high speed pursuit shall:

1. Notify the Sector Sergeant and Communications of the pursuit as soon as it is imminent and broadcast a description of the vehicle, a description of the suspect(s), the offense for which the suspect is wanted, and the direction of travel.
2. Inform the Sector Sergeant and Communications of each change in direction of travel so that assisting units may be directed to the pursuit area in a manner which will ensure safety.
3. Activate the blue lights and siren of the police vehicle. Each officer engaged in the pursuit shall comply.
4. Plan on other vehicles entering each blind intersection that is approached. It is easy for a driver of another vehicle with the windows rolled up to not hear the siren.
5. Remember to use directional signals during the pursuit in order to communicate his/her intentions to other approaching vehicles.
6. Avoid deliberate contact with the pursued vehicle.
7. Not discharge a firearm while driving or occupying a vehicle engaged in motorized or high speed pursuit unless returning fire at an occupant of the pursued vehicle taking into consideration the surroundings and the safety of the public.
8. Abandon the pursuit when ordered to do so by the Sector Sergeant or any other Superior Officer or when traffic and/or weather conditions make further pursuit dangerous.

9. Upon leaving the City of Cambridge limits, relay a full description of the pursued vehicle, the suspect(s), and the offense to the appropriate police agency through the Sector Sergeant and Communications.
 10. Before the end of the tour of duty in which the pursuit took place, submit a P650 report to his/her Commanding Officer detailing the reasons for and the circumstances surrounding the pursuit. Only the officer initiating the pursuit shall make out the report.
- B. During a pursuit, all police units in the vicinity which are able to assist must make the Sector Sergeant and Communications aware of their availability and follow proper deployment instructions. Units will remain uninvolved unless authorized to participate and will exercise extreme caution when driving in the pursuit area.
- C. Upon receiving a transmission of a pursuit, the Sector Sergeant or any other Superior Officer will order the area cleared of other police units and will send assist units to the vicinity of the pursuit as needed, directing police units to necessary locations as needed.

The Sector Sergeant and/or Patrol Supervisor shall be notified immediately of any motorized or high speed pursuit and shall have full authority and responsibility to direct such pursuit including the termination of such pursuit.

It shall be the responsibility of the Sector Sergeant to ensure that all officers involved in a motorized or high speed pursuit comply with this pursuit policy.

The Commanding Officers of all police units will promulgate this General Order by reading it at EIGHT ROLL CALLS following the receipt thereof.

PER ORDER,

ANTHONY G. PAOLILLO
CHIEF OF POLICE

