

adopted: 9/15/2006

GENERAL ORDER

SUBJECT: OPERATION OF POLICE VEHICLES,  
2

Number: 2-

ROADBLOCKS AND PURSUIT  
TERMINATION DEVICES

EFFECTIVE DATE: 00/00/0000  
00/00/0000

REVIEW DATE:

AMENDS/SUPERSEDES: 06/08/2000

APPROVED: \_\_\_\_\_

Chief Law Enforcement Officer

I. POLICY:

All personnel operating agency vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its law enforcement officers to demonstrate exemplary driving behavior. All agency personnel who operate law enforcement vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and law enforcement personnel.

Minimum Standard: 1

High-speed pursuits, as limited as this agency regulates, are extremely dangerous to the employee, the suspect and the public. All employees operating agency vehicles shall exercise due regard for the safety of all persons when engaging in high-speed pursuits.

Roadblocks are only a last resort in stopping suspects and can only be engaged with prior approval and with the utmost caution and consistent with legal considerations.

The deployment of pursuit terminations devices are the use of a tire deflating device during a law enforcement pursuit, when it can be safely deployed in accordance with this general order, training and manufacturer's guidelines.

Minimum Standard: 1

II. PURPOSE:

To establish procedures governing the operation of law enforcement vehicles, with special attention to emergencies,

high speed pursuit, roadblocks and pursuit termination devices.

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### III. DEFINITIONS:

- A. Due Regard: Actions which a reasonable prudent law enforcement officer would perform in the same manner under similar circumstances.
- B. Emergency Driving: That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving should not be in excess of 20 mph above the posted speed limit, unless common sense deems necessary.
- C. Emergency Equipment: Flickering, blinking, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.
- D. Normal or Routine Driving: That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road" and courtesy.
- E. Pursuit Driving: That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle. Pursuits are conducted using emergency equipment. Pursuit driving shall also be defined when a law enforcement officer is exceeding the posted speed limit by 20 mph or more AND when the violator does not stop.
- F. Pursuit Termination Devices: Instruments designed for use on road surfaces, which will intentionally puncture tires and thereby permit controlled deflation of air.
- G. True Emergency: A situation in which there is a high probability of death or serious injury to an individual, or significant property loss, and in which the actions of the emergency vehicle operator may reduce the seriousness of the situation.

Minimum Standard: 3
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**IV. PROCEDURES FOR ALL RESPONSES:**

**A. General:**

1. All agency vehicles will be driven safely and properly in full compliance with all traffic laws and regulations. Law enforcement vehicles are conspicuous symbols of authority on the streets and the actions of law enforcement drivers are observed by many. Each law enforcement driver must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Maine Motor Vehicle Code authorizes exercise of privileges concerning certain traffic regulations (29-A M.R.S.A. § 2054); however, both the operator and the agency are not released from liability for failure to use reasonable care in such operation. Improper driving may subject each law enforcement driver, to civil and/or criminal prosecution, while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the agency and law enforcement generally.

Minimum Standard: 2

**B. Routine Operation:**

1. In case of accident or damage to any law enforcement vehicle, the driver will immediately request a supervisor. The supervisor will then contact an outside law enforcement agency to conduct an independent investigation. The report will be immediately documented on a state traffic crash investigation report. The chief's designee will review all such reports and recommend appropriate action to the Chief Law Enforcement Officer (CLEO).

Minimum Standard: 14

2. Vehicles used in routine or general patrol service should be conspicuously marked. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.
3. Unmarked cars shall not be used for continuous pursuit, but may be used for patrol. They may be used to stop vehicles provided they are equipped with suitably mounted emergency warning devices, and the operator is in uniform.

Minimum Standard: 10

4. Standard lighting equipment on marked vehicles may include, but is not limited to, hazardous warning lights, spotlights, alley (side) lights, and a rooftop light bar. Alley lights and spotlights may be used when the vehicle is stationary or moving and shall generally not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.
5. Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts, whenever possible. A law enforcement officer may disengage the seatbelt upon an approach to any scene of an incident or service call where the law enforcement officer believes a rapid departure from the vehicle may be required.

C. Inspection:

1. Employees assigned to an agency vehicle shall perform a daily vehicle inspection to check the cleanliness, general operability of equipment and fluid levels (oil, brake fluid, gas).
2. Employees shall examine their vehicles at the beginning and end of their shifts for damage and report any damage immediately to their supervisor.
3. Employees shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others.
4. If, in the opinion of the CLEO, vehicle damage resulted from abuse or neglect caused by an employee, disciplinary action may result.

D. Driving rules:

1. Circumstances permitting, the driver shall check the safety features of their vehicle before commencing operation. The check should include all lights, brakes, siren, horn, and steering.
2. No driver shall modify, remove, de-activate, or otherwise tamper with any part of the vehicle.
3. During periods of inclement weather when agency vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
4. No vehicle shall be operated which is deemed by the supervisor to be unsafe.

5. Agency vehicles shall not be left unattended with its engine in operation, except during winter months. In all cases the vehicle will be locked when left unattended. This does not include when a Law Enforcement K-9 is in the vehicle. In that case, the vehicle may be left running for the K-9's well being.
6. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle in accordance with these factors.
7. The nature of certain crimes in progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence. Although such action is permitted by authority of this order, vehicle operations under these conditions require extreme caution and compliance with all Maine Motor Vehicle Codes.

Minimum Standard: 2
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8. Emergency driving to the scene of a law enforcement incident is permissible ONLY when there is a high probability that a true emergency continues to exist.
9. Upon approaching a controlled intersection or other location where there is great possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of the vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the officer shall stop the vehicle and assure by careful observation that the way is clear before proceeding through the intersection.
10. At the scene of a crime, a motor vehicle crash, or other law enforcement incident, a law enforcement vehicle shall be parked in such a manner so as to protect the scene, yet minimize obstacles or hazards to other traffic. The emergency lights and four-way flashers should always be used to warn other drivers approaching the location.

11. Operators of law enforcement vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways.

Minimum Standard: 2

**V. PROCEDURES FOR EMERGENCY DRIVING:**

**A. General:**

1. No fixed rule can apply to every circumstance, which may arise governing emergency driving. The agency, however, imposes on the employees the duty to drive with due regard for the safety of all persons.
2. Recognizing protection of human life is paramount, the responding employee must remember the objective is to get to the location of the occurrence as soon as possible, safely, without danger to oneself or to others.

**B. Law Enforcement Officer's Response To Call:**

1. Upon arrival at the scene of a call, the responding employee should rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding using emergency lights and siren can be slowed or cancelled.
2. All units responding to robbery and burglary in-progress calls, before coming within hearing distance, may discontinue the use of the emergency warning devices and at that time fully comply with all the traffic laws.
3. In situations requiring silent response, e.g., alarm response, prowler calls, officers will respond as rapidly as possible, obeying all traffic laws and signs.

**C. Law Enforcement Officer's Initiated Response:**

1. When, in the opinion of the employee, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary law enforcement service, this agency authorizes an emergency response. Examples include, but are not limited to the following:

Minimum Standard: 4

- a. At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
- b. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to a call, where the employee has previous or additional information which, had the emergency communication specialist known it, would have resulted in the call being dispatched as using emergency lights and siren.
- d. When because of location, distance to be traveled, or traffic conditions, the employee determines that emergency operating conditions are essential in order to provide an appropriate law enforcement response.
- e. In response to a law enforcement officer emergency request for assistance.

Minimum Standard: 4

#### **VI. PROCEDURES FOR PURSUITS:**

- A. It shall be the policy of this agency to comply with the following guidelines when considering engaging in any pursuit, high-speed pursuit, roadblock, or deployment of pursuit termination devices.

1. Law Enforcement Officer Responsibilities: The employee's primary responsibility in a pursuit is the safe operation of the vehicle. The employee shall notify the emergency communication specialist the following information: reason for the pursuit, direction of travel, description of the pursued vehicle, and location.

Minimum Standard 6

2. Supervisor's Responsibilities: The supervisor shall monitor the pursuit and respond, if deemed necessary. The supervisor may end the pursuit at any time circumstances warrant.

Minimum Standard 8

3. Back-up Responsibilities:

- a. The first back-up unit to respond shall assist the primary law enforcement officer.
- b. The back-up unit will also assume the responsibility of updating the emergency communication specialist with the location and direction of travel of all vehicles involved, thereby allowing the primary law enforcement officer to focus attention on driving.
- c. When requested by an outside agency, employees of this agency must use the same guidelines set forth in this policy.
- d. If the guidelines do not justify a high-speed pursuit, roadblock or deployment of the pursuit termination devices, the outside agency must be notified of the decision.

Minimum Standard 7

4. Emergency Communication Specialist Responsibilities:

- a. Advise all other units of the pursuit and the information given by the pursuing employee.
- b. Assist in directing back-up units to strategic locations.
- b. Order the law enforcement radio cleared of all but emergency traffic (Signal 1000).
- c. Alert all other nearby law enforcement agencies of the pursuit and information given by pursuing employee when continuing beyond the town limits.
- d. Query DMV and NCIC for license data and any Warrants, as well as local RMS if available for prior calls.

Minimum Standard: 9

B. Justification for Pursuit:

1. A law enforcement officer may pursue a vehicle when the officer has probable cause to believe that the violator has committed or is attempting to commit a felony involving the use or threatened use of violence.
2. Employees shall not pursue vehicles for traffic violations, unless the conditions surrounding the pursuit are conducive to safe operation, management and are using due regard.

Minimum Standard: 2 and 4



3. Employees are responsible for being familiar with applicable statutes in 15, 17-A, 29-A, 30-A of the M.R.S.A. and chapter 21 and 22 of the Maine Law Enforcement Officers Manual (LEOM), regarding vehicle operation, pursuit operation, roadblocks and pursuit termination devices, including the permissible use of deadly force, as outlined in 17-A M.R.S.A. § 107.

Minimum Standard: 2 and 4

C. Considerations in Engaging in Pursuit:

1. Law enforcement officers shall not operate a vehicle at a rate of speed that may cause loss of control. This agency expects an employee to end their involvement in pursuits whenever the risks to their own safety, or the safety of others, outweighs the danger to the community if the suspect is not immediately apprehended.
2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual law enforcement officer involved. In deciding, the law enforcement officer is faced with a dilemma because, although the law does not prevent the employee from using emergency speeds while engaged in pursuit, it does hold the employee criminally and/or civilly responsible for their actions. Therefore, the employee must exercise sound judgement and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include:
  - a. Does the seriousness of the crime warrant a chase at unsafe speed?
  - b. What is the possibility of apprehension?
  - c. Will the pursuit take place on residential streets, a business district, school zone or freeway?
  - d. When a law enforcement officer begins pursuit of a fleeing vehicle, the officer must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a law enforcement vehicle with the emergency warning devices operating, rather than cautioned away from it.

Minimum Standard: 4

e. Street and traffic conditions.

- f. The weather conditions.
- g. Road conditions and lighting (visibility).
- h. Balance the pursuit's danger to the public against allowing suspect to escape.
- i. The employees individual driving skill.

Minimum Standard: 4

3. Intersections are a particular source of danger. Employees, when approaching an intersection where signal lights or stop signs control the flow of traffic, should:
  - a. Decelerate and be prepared to apply the brakes.
  - b. Enter the intersection only when safe, all cross vehicles are aware of the employees presence, and at a reduced speed.
  - c. Resume pursuit speed only when safe. When using emergency light, siren and headlamps, the employee is requesting the right of way and absolutely does not have the right to run red traffic lights or stop signs.

D. Rules of Pursuits:

1. Only law enforcement officers who have complied with the basic training requirement for full-time law enforcement officers at the Maine Criminal Justice Academy, which includes the Emergency Vehicle Operations Course shall become actively involved in a high-speed pursuit.
2. Law enforcement officers shall not engage in high-speed pursuit if the operator is known to the officer, unless there is a serious indication that further violent felonious acts will continue to any person, if not immediately apprehended.
3. Law enforcement officers shall not intentionally ram, bump, or collide with a fleeing vehicle, nor shall they pull alongside such vehicles in an attempt to force them off the road, unless deadly force is warranted. Intentional ramming of a vehicle is a use of deadly force and must be reported to the Office of the Attorney General.

Minimum Standard: 4 and 11

4. Pursuits shall be limited to two (2) law enforcement vehicles, a primary and a secondary. Other units may participate, with the supervisor's permission.

Minimum Standard: 8 and 10

5. Law enforcement officers may only fire weapons at a vehicle under conditions described in Maine Chiefs of Police Model Policy 2-1 on Firearms.
6. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing law enforcement officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to their safety and the potential damage to the cruiser or private property. When the risks of the pursuit exceed the need to capture the offender, the law enforcement officer must discontinue the pursuit.
7. Should the suspect(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the law enforcement officer should stop and give the location. The back-up cruiser should be dispatched in close proximity to offer assistance.
8. The supervisor may direct that the pursuit be ended. If the pursuing law enforcement officer(s) receives such an order to stop the pursuit, the officer shall do so immediately and acknowledge the order. Also, the pursuing law enforcement officer(s) must end the pursuit if, at any time during the course of the pursuit the fleeing vehicle is out of sight.

Minimum Standard 4, 5, 6, 7 and 8

9. A pursuit of suspected felons may extend beyond the state line, but the pursuit shall be relinquished as soon as possible to law enforcement personnel of the entered state.
10. Law enforcement officers shall not pursue a violator when accompanied by a civilian passenger.
11. When two (2) vehicles are involved in pursuit, they shall maintain a safe distance behind each other.
12. Should serious bodily injury or death occur as a result of physical force, it will be the responsibility of the CLEO to report this to the Office of the Attorney General, as soon as reasonably possible. Vehicle uses of deadly force include Ramming and Roadblocks.

Minimum Standard 4, 5, 10, 13 and 14

E. Abandoning Pursuit:

1. This general order has noted the necessity for a pursuing law enforcement officer to continually evaluate the risks and goal of a pursuit. Under many conditions, abandoning a pursuit may prove the most prudent decision the law enforcement officer can make.
2. Law enforcement officer must discontinue pursuit under the following circumstances:
  - a. If, in the opinion of the pursuing law enforcement officer or supervisor, the pursuit creates a clear and unreasonable danger to the employee(s), other motorists or pedestrians, which outweighs the need for immediate apprehension.
  - b. The suspect has been identified and can be apprehended later and the law enforcement officer believes the suspect poses no immediate danger to society.
  - c. The prevailing traffic, roadway, and environmental conditions render a pursuit futile.
  - d. The pursued vehicle has outdistanced the law enforcement officer, and/or its location is not known.
  - e. The pursuing law enforcement officer knows, or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony.

Minimum Standard: 5
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3. Discontinuing a pursuit does not mean that the law enforcement officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit. Law enforcement officers, when pursuing, should resist the temptation of following too close.

**4. NO LAW ENFORCEMENT OFFICER CAN BE DISCIPLINED FOR DISCONTINUING A PURSUIT.**

**VII. PROCEDURES FOR ROADBLOCKS:**

- A. Only in the case of suspected violent fleeing felons whose escape poses a danger to life may law enforcement officers set up a roadblock. Example: armed robbery, murder and kidnapping. The roadblock that is set up should have an "Avenue of Escape." A decision to establish a roadblock may be a decision to use deadly force for which the provisions in Maine Chiefs of Policy Model Policy 2-1 on Use of Force apply.

B. The decision to establish a roadblock must be approved by the supervisor, as soon as possible, who must consider the following:

1. The safety of all law enforcement officers.
2. The risk of physical injury to the occupants of the pursued vehicle.
3. The protection of citizens and their property.
4. If the pursuit termination devices would work instead of a roadblock. (See Section X of this policy).
5. The agency stresses that roadblocks constitute a last resort in ending pursuits.

C. Once the decision is made to establish a roadblock, the following guidelines must be followed:

1. A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The law enforcement officer(s) establishing the roadblock shall notify the emergency communication specialist of its precise location.
2. A roadblock, which completely blocks the roadway and not having an "Avenue of Escape", SHALL NOT be set up, unless deadly force is justified and with the permission of the CLEO or designee.
3. If a roadway is partially blocked off by the use of a roadblock, with an "Avenue of Escape," the pursuit termination devices will be utilized, if possible. (See Section X of this policy).
4. Employees are to utilize proper safety equipment, such as: orange vests, traffic flashlight cones, blue lights and position themselves in a safe place, if time permits.

Minimum Standard: 11

5. Any traffic crash occurring as a result of a roadblock will be investigated by an outside agency, as outlined in Maine Chiefs of Police Model Policy MCOPA General Order 2-8 on Motor Vehicle Crash Investigation, and reported to the Office of the Attorney General.
6. A separate incident report will be filled out by the supervisor outlining the justification for the roadblock and the parties involved, including agency employees, and details as to location, equipment used and injury or property damage, which may have resulted from erecting the roadblock.

Minimum Standard: 8 and 11

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#### **VIII. MAINE MOTOR VEHICLE PURSUIT REPORT:**

All law enforcement pursuits initiated by this agency shall be reported on the appropriate agency Incident Report form and Maine Motor Vehicle Pursuit Report (See Appendix 1). The Maine Motor Vehicle Police Pursuit report shall then be forwarded to the CLEO for appropriate review and distribution to the Maine State Police Traffic Division.

Minimum Standard: 15

**IX. UNIFORM ACT ON FRESH PURSUIT:**

According to Title 15 M.R.S.A, section 151-155, law enforcement officers are authorized to pursue any person across State lines who is believed to have committed any felony "provided such pursuit is conducted without unreasonable delay." Arrests made pursuant to this statute require the law enforcement officer(s) to physically arraign the apprehended person(s) in the State which capture/arrest is accomplished. Officers shall review Maine Law Enforcement Officer's Manual Chapters 21 and 22 regularly and have a working knowledge of its content.

Minimum Standard: 2 and 13

**X. PROCEDURES FOR DEPLOYMENT OF PURSUIT TERMINATION DEVICES:**

A. Discussion: The tire deflating device is designed for use when the fleeing vehicle can be channeled so that one or more tires of the fleeing vehicle pass over the device. The tire(s) will slowly deflate provided one or more of the spikes lodges in the tire(s). The device should be deployed when the deploying law enforcement officer(s) can do so safely. The safety of the other motorists should also be considered. The deploying law enforcement officer(s) need to evaluate the situation carefully prior to deployment.

B. Definitions:

1. Immediate Reach: In the occupant compartment of the issued cruiser or in a portion of the trunk that is easily accessible in the event of an emergency.
2. Readily Available: Within immediate reach.
3. Tire Deflating Device: Stinger Road Spike System or other hollow road spike system.

C. Regulation: A law enforcement officer:

1. May deploy a tire deflating device only if that officer is trained in its use.
2. Shall store the tire deflating device so it is readily available.
3. Shall not use a tire deflating device to stop a motorcycle, moped, bicycle, motor driven cycle, tractor-trailer hauling a dangerous chemical or a bus carrying nonculpable passengers.

Minimum Standard: 11

D. Procedure for Deployment and Recovery:

1. The tire-deflating device may only be deployed if a supervisor has approved its use.
2. The deploying law enforcement officer shall follow the site selection criteria, as outlined in Section VII of this general order dealing with roadblocks.
3. Law enforcement officers may deploy a tire deflating device only after the pursuing law enforcement officer(s) has been informed the device will be deployed and the location, and the pursuing law enforcement officer(s) has acknowledged the information. The deploying law enforcement officer may communicate directly the pursuing law enforcement officer.
4. Deployment may only occur under the following conditions:
  - a. The law enforcement officer(s) shall have been trained in the deployment of the tire-deflating device.
  - b. Cruisers normally will be parked on the side of the road with the blue lights flashing, while the law enforcement officer(s) deploys the pursuit termination device in the travel lane of the suspect vehicle. The intention of this is to NOT use the cruiser as a road blocking device. The complete travel portion of the roadway would then be the "Avenue of Escape."
5. Recovery:
  - a. The tire deflating device should be removed from the road after a fleeing vehicle passes over it.
  - b. The tire-deflating device may be recovered immediately or at the conclusion of the incident, if the deploying law enforcement officer(s) need to assist the pursuing law enforcement officer(s).

- c. Law enforcement officer(s) should be aware that curious bystanders may be injured if allowed to examine the tire deflating device without supervision.

E. Procedure for Pursuing Law Enforcement Officer:

1. Approach to the Deployment Area: The pursuing law enforcement officer(s) shall proceed cautiously, when approaching the deployment area and adjust their vehicle speed as necessary:
  - a. To allow for the deploying law enforcement officer to remove the tire deflating device.
  - b. Because the fleeing vehicle may decrease speed rapidly as its tires deflate.
  - c. To respond to sudden evasive or unpredictable maneuvers by the fleeing vehicle.
2. The pursuing law enforcement officer(s) may increase speed if necessary after the deploying law enforcement employee signals it safe to do so, or after having cleared the deployment area.
3. Passing Through the Deployment Area: The pursuing law enforcement officer(s) shall proceed through the deployment area at a reasonable speed for the safety of all other law enforcement officers and civilians in the area.

F. Procedure for the Maintenance of Pursuit Termination Devices: Law enforcement officers shall:

1. Maintain the device according to the manufactures guidelines.
2. Replace spikes according to the manufacturers guidelines.
3. Replace spikes as soon as practicable and no later than the end of their current shift.
4. Repair and replace parts according to the manufacturers guidelines.
5. Forward all broken parts to the CLEO for replacement.

G. Procedure for Reporting the Use of the Pursuit Termination Devices:

1. The deploying law enforcement officer(s) shall indicate in the incident report the use of the pursuit termination devices, the circumstances surrounding the use, road condition and any problems noted.



2. The deploying law enforcement officer will also complete an incident report if the chase was terminated prior to the suspect vehicle fleeing over the device.

**H. Procedure for Damage to Uninvolved Vehicle:**

1. If an uninvolved vehicle, (a vehicle not being pursued) passes over the pursuit termination device, causing damage to that vehicle, the supervisor shall obtain the information for the completion of Traffic Accident Form 1320A. If the damage is nonreportable and there are no injuries, the copy will be maintained in the agency files only.
2. If an uninvolved vehicle passes over the pursuit termination devices and the amount of damage is in excess of the reportable amount, then the accident will be handled as any other reportable accident.
3. If there is any damage to an involved vehicle other than the tires, as a result of the use of the pursuit termination devices, then the accident will be handles as any other accident as outlined in Maine Chiefs of Police Association General Order 2-8 on Motor Vehicle Crash Investigation.

Minimum Standard: 8 and 14

- XI. ADJACENT JURISDICTION POLICIES:** It shall be the responsibility of the CLEO to meet with the CLEO's having concurrent or adjacent jurisdiction to discuss the agencies policies regarding pursuit, and for the CLEO to convey this information to the employees of this agency. These agencies includes:
- A. XYZ County Sheriff's Office
  - B. Maine State Police - Troop XYZ
  - C. XYZ Municipal Police Department
  - D. XYX Municipal Police Department
  - E. XYZ Municipal Police Department
  - F. The information on the full policy will be left with the CLEO for any employee to review or obtain a copy. See Appendix #2 for a synopsis of the above-described policies.

Minimum Standard: 12

This Maine Chiefs of Police Association model policy is provided to assist your agency in the development of your own policies. All policies mandated by statute contained herein meet the standards as prescribed by the Board of Trustees of the Maine Criminal Justice Academy. The Chief Law Enforcement Officer is highly encouraged to use and/or modify this model policy in whatever way it would best accomplish the individual mission of the agency.

#### **DISCLAIMER**

This model policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the individual law enforcement agency and/or the Board of Trustees of the Maine Criminal Justice Academy. This policy does not hold the Maine Chiefs of Police Association, its employees or its members liable for any third party claims and is not intended for use in any civil actions.

**APPENDIX # 1**  
**STATE OF MAINE**  
**MOTOR VEHICLE PURSUIT REPORT**

1. AGENCY SUBMITTING REPORT: \_\_\_\_\_  
TROOP: \_\_\_\_\_
  
2. PRIMARY PURSUIT OFFICER: \_\_\_\_\_  
RANK: \_\_\_\_\_  
YEARS OF LAW ENFORCEMENT EXPERIENCE: (FULL-TIME) \_\_\_\_\_ PART-TIME \_\_\_\_\_  
EVOC TRAINING: YES \_\_\_\_\_ NO \_\_\_\_\_ YEAR COMPLETED: \_\_\_\_\_
  
3. INCIDENT: DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ DAY OF WEEK \_\_\_\_\_ START TIME \_\_\_\_\_ END  
TIME \_\_\_\_\_  
LOCATION PURSUIT BEGAN  
(TOWN/ROAD) : \_\_\_\_\_  
LOCATION PURSUIT TERMINATED  
(TOWN/ROAD) : \_\_\_\_\_ TOTAL MILES  
TRAVERSED: \_\_\_\_\_
  
4. WEATHER CONDITIONS: CLEAR \_\_\_\_\_ CLOUDY \_\_\_\_\_ RAIN \_\_\_\_\_ SNOW \_\_\_\_\_  
DRIZZLE \_\_\_\_\_ FOG \_\_\_\_\_  
OTHER \_\_\_\_\_
  
5. ROAD CONDITIONS: CLEAR \_\_\_\_\_ DRY \_\_\_\_\_ WET \_\_\_\_\_ SNOW/ICE COVERED  
(SANDED) \_\_\_\_\_ SNOW/ICE COVERED (NOT SANDED) \_\_\_\_\_  
OTHER \_\_\_\_\_
  
6. ROAD TYPE: LIMITED ACCESS (INTERSTATE/TURNPIKE) \_\_\_\_\_  
SECONDARY \_\_\_\_\_ BOTH \_\_\_\_\_  
OTHER \_\_\_\_\_
  
7. LOCALE TRAVELED THROUGH: URBAN \_\_\_\_\_ RURAL \_\_\_\_\_ BOTH \_\_\_\_\_
  
8. SPEED DURING MAJORITY OF PURSUIT: \_\_\_\_\_ MPH
  
9. PRIMARY PURSUIT VEHICLE: MARKED \_\_\_\_\_ SEMI-MARKED \_\_\_\_\_  
UNMARKED \_\_\_\_\_
  
- DEPARTMENT \_\_\_\_\_
  
- SECONDARY POLICE PURSUIT VEHICLES(S)  
A. MARKED \_\_\_\_\_ SEMI-MARKED \_\_\_\_\_ UNMARKED \_\_\_\_\_  
DEPARTMENT \_\_\_\_\_  
B. MARKED \_\_\_\_\_ SEMI-MARKED \_\_\_\_\_ UNMARKED \_\_\_\_\_  
DEPARTMENT \_\_\_\_\_  
C. MARKED \_\_\_\_\_ SEMI-MARKED \_\_\_\_\_ UNMARKED \_\_\_\_\_  
DEPARTMENT \_\_\_\_\_

10. INITIATING EVENT: M/V VIOLATION\_\_\_\_\_ FELONY SUSPECT\_\_\_\_\_ SUSPECTED  
OUI\_\_\_\_\_ CRIMINAL ACTIVITY\_\_\_\_\_ OTHER  
(SPECIFY) \_\_\_\_\_

11. TERMINATING EVENT:

_____ SUSPECT VOLUNTARILY STOPS	_____ PRIMARY OFFICER DISCONTINUES
_____ SUSPECT VEHICLE SPINOUT	_____ POLICE VEHICLE SPINOUT
_____ SUSPECT VEHICLE DISABLED	_____ POLICE VEHICLE DISABLED
_____ SUSPECT VEHICLE COLLISION	_____ POLICE VEHICLE COLLISION
_____ SUSPECT VEHICLE ELUDED POLICE	_____ PRIMARY OFFICER ORDERED TO

TERM.

\_\_\_\_\_ CONTINUED BY ANOTHER POLICE AGENCY

IMMOBILIZATION:\_\_\_\_\_ ROADBLOCK:\_\_\_\_\_ TIRE DEFLATING DEVICE USED:\_\_\_\_\_

OTHER

INFORMATION:\_\_\_\_\_

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12. ACCIDENT INFORMATION: ACCIDENT: YES\_\_\_\_\_ NO\_\_\_\_\_

_____ SUSPECT VEHICLE ALONE	_____ POLICE VEHICLE ALONE
_____ SUSPECT VEHICLE W/PEDESTRIAN	_____ POLICE VEHICLE W/PEDESTRIAN
_____ SUSPECT VEHICLE W/ANOTHER VEH.	_____ POLICE VEHICLE W/ANOTHER VEH.
	_____ POLICE VEHICLE W/SUSPECT VEH.

13. INJURIES: NONE:\_\_\_\_\_

	# INJURED	# KILLED
POLICE OFFICER(S)	_____	_____
SUSPECT(S)	_____	_____
SUSPECT PASSENGERS	_____	_____
PEDESTRAINS	_____	_____
OTHER MOTORISTS	_____	_____

14. SUSPECT INFORMATION:

NAME:\_\_\_\_\_

DOB: \_\_/\_\_/\_\_\_\_

STREET/P.O.BOX:\_\_\_\_\_

AGE:\_\_\_\_\_

TOWN/CITY:\_\_\_\_\_

SEX: M\_\_\_\_\_ F\_\_\_\_\_

RACE: WHITE:\_\_\_\_\_ BLACK\_\_\_\_\_ ASAIN\_\_\_\_\_ NATIVE AMERICAN\_\_\_\_\_

UNKNOWN\_\_\_\_\_

HISPANIC\_\_\_\_\_ (CHECK OFF GROUPING THAT MOST ACCURATLY DESCRIBES)

15. MOST SERIOUS

CHARGE:\_\_\_\_\_

ARRESTED:\_\_\_\_\_ SUMMONS ONLY:\_\_\_\_\_ OTHER:\_\_\_\_\_

16. ALCOHOL/DRUG INVOLVEMENT (INGESTED NOT MERELY PRESENT): YES\_\_\_\_\_

NO\_\_\_\_\_

17. OFFICER'S DETERMINATION OF REASON FOR  
FLIGHT: \_\_\_\_\_

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18. PERSON SUBMITTING REPORT:

NAME/RANK: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ PHONE

NUMBER: \_\_\_\_\_

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**Appendix #2 - Surrounding Agency Policies on Pursuit Driving**  
**Agency XYZ (Example)**

**Policy Effective Date:** 01/01/2000

**Is your agency allowed to do the following?**

<b>High Speed Chases:</b>	yes _____	no _____
<b>Rolling Roadblocks:</b>	yes _____	
no _____		
<b>Stationary Roadblocks:</b>	yes _____	
no _____		
<b>Termination Pursuit Spikes:</b>	yes _____	
no _____		
<b>Assist Other Agencies by Chasing:</b>	yes _____	
no _____		

**Chase with Part-time Officers:** yes \_\_\_\_\_ no \_\_\_\_\_

**Limits on Chasing: (Example)** Only when the law enforcement officer has probable cause to believe the violator has committed or is attempting to commit a felony involving the use or threatened use of violence, i.e.: Murder, Kidnapping, Armed Robbery or Aggravated Assault. If the danger level of chasing outweighs the danger level for the need to apprehend, the law enforcement officer shall not chase. Road, weather, population, etc., must all be considered prior to chasing.

**Other Special Conditions:** Roadblocks may only be set up if a suspected fleeing felon, meeting this agencies criterion, poses a danger to life. This agency will only physically assist another agency in chasing or roadblocks if they meet this agencies criterion. Deployment of spikes is the preferred method of chase termination. **No ramming under any circumstances.**

**Agency XYZ (Example)**

**Policy Effective Date:** 01/01/2000

**Is your agency allowed to do the following?**

**High Speed Chases:** yes \_\_\_\_\_ no \_\_\_\_\_

**Rolling Roadblocks:** yes \_\_\_\_\_  
no \_\_\_\_\_

**Stationary Roadblocks:** yes \_\_\_\_\_  
no \_\_\_\_\_

**Termination Pursuit Spikes:** yes \_\_\_\_\_  
no \_\_\_\_\_

**Assist Other Agencies by Chasing:** yes \_\_\_\_\_  
no \_\_\_\_\_

**Chase with Part-time Officers:** yes \_\_\_\_\_ no \_\_\_\_\_

**Limits on Chasing: (Example)** Only Class A,B,C, crimes involving the use or threatened use of violence. Lesser offenses are allowed when the danger level of not chasing outweighs the danger level of chasing. Road, weather, population, etc., must all be considered prior to chasing.

**Other Special Conditions:** Limited times for allowable chases if the operator is known. Ramming allowed if deadly force is justified.