


PORTLAND POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE

	Subject:	Operation of Police Vehicles	Policy #:	40C
	Distribution:	All Personnel	Effective Date:	07/14/2013
	Standards:	BOT 2	Revision Date:	10/15/2020
	By Order Of:	Chief of Police	Review:	Biennially

I. Purpose

The purpose of this policy is to establish rules regulating the operation of police vehicles in emergency and non-emergency situations.

II. Policy

It is the policy of the Portland Police Department that all personnel operating department vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance and no task shall be expedited with such emphasis that the principals of safety become secondary. Given this is a statutorily mandated policy, officers must abide by this SOP as it applies to all standards of the MCJA Board of Trustees.

III. Definitions

- A. **Emergency Call for Service:** An inherently dangerous situation requiring an immediate response. Examples include a violent crime in progress, an accident with injury, a disturbance involving a gun.
- B. **Non-Emergency Call for Service:** Any call for service which does not pose a threat to the safety of any person, is not in progress and does not require an immediate response.
- C. **Non-Routine Operation:** the operation of a police vehicle outside of normal traffic laws and rules of the road specifically including:
 - 1. **Emergency Response:** operating an emergency vehicle in response to a situation in which the physical safety and well-being of an individual is directly jeopardized, i.e. a violent crime in progress. For purposes of this policy, this may include requests for emergency backup assistance from another law enforcement officer.
 - 2. **Pursuit:** operating an emergency vehicle for the purpose of following, in order to apprehend, an alleged violator or suspect who, after having been requested or signaled to stop, attempts to elude a law enforcement officer by operating a vehicle in a reckless manner or at a high rate of speed.
 - 3. **Failure to Stop:** operating an emergency vehicle for the purpose of following another vehicle in order to attempt to stop and apprehend an alleged violator or suspect, who ignores or disregards an officer's signal to stop, but does not operate a vehicle in a reckless manner or in excess of ten (10) miles over the speed limit.
- D. **Probable Cause:** The facts and circumstances within an officer's knowledge, which the officer received through reasonably trustworthy information, which are sufficient to convince a person of reasonable caution to believe that an offense has been or is being committed and a particular person(s) is committing it.

- E. **Reasonable Suspicion:** an objectively reasonable belief, based on a police officer's training and experience and on specific facts or circumstances, sufficient to warrant the pursuit.
- F. **Routine Operation:** The normal, day-to-day operation of police vehicles (i.e. responding to non-emergency calls for service, patrolling, etc.
- G. **Special Purpose Vehicle:** Department vehicles that have a special function or require additional training to operate. Examples include the arrest van, the Bearcat and the ET Van.
- H. **Stationary Roadblock:** The placement of an impediment to travel in a roadway for the purpose of stopping a vehicle whose operator is attempting to elude the police.
- I. **Support Units:** Units that are not directly involved in the pursuit, but remain alert to its progress and location in the event they are needed to assist with traffic direction, crash investigation, foot pursuit, or perimeter security. Support units are authorized to use emergency equipment to warn the public and to respond to the area of a pursuit.

IV. Procedures

A. Routine Emergency Vehicle Operation

When responding to non-emergency calls for service or otherwise operating Department vehicles under routine conditions, employees shall observe all traffic laws as required of other citizens. Emergency equipment will not be used during routine vehicle operations.

B. Non-Routine Vehicle Operation – General Rules

1. Operating a police vehicle under emergency conditions places an increased burden on the officer to use caution when assuming the right of way over other vehicles.
2. Only sworn officers are permitted to operate police vehicles during non-routine operations. Such police vehicles must be equipped with emergency lights **and** siren which shall be used any time the emergency nature of the duty assignment makes it necessary to violate any traffic laws or ordinances (29-A MRSA subsection 2054).
3. Officers should not use the MDT during emergency vehicle operation.
4. If, due to the nature of the call, it is necessary to turn off either the blue lights or siren, all traffic laws must be obeyed.
5. Officers are not to turn off emergency warning equipment before decelerating to the speed limit.
6. No police vehicle engaged in an emergency response shall be operated at a speed greater than fifteen (15) miles per hour in excess of the posted speed limit. In areas where the speed limit is not posted, the standard speed limit of 25 mph will be used as the posted limit.
7. When responding under emergency conditions, operators will:
 - a. Make a **FULL AND COMPLETE STOP** before entering an intersection against a red light or a stop sign and only proceed when it is safe to do so.
 - b. **SLOW DOWN AT ALL OTHER INTERSECTIONS** where the officer may have the right of way, making sure it is safe to enter and then proceed cautiously. This is especially important at intersections controlled by yellow lights and yield signs.
 - c. Ensure that **VEHICLE SPEED IS BOTH SAFE AND REASONABLE.**
8. An officer may briefly exceed the speed limit in order to affect a traffic stop. The officer must turn on the vehicle blue lights and siren before exceeding the speed limit and must follow the

procedures above concerning intersections and speed. Should the offender fail to stop, the officer shall not initiate a pursuit of the vehicle.

C. Non-Routine Vehicle Operations - Pursuit Situations

1. Sworn officers in marked vehicles equipped with emergency lights and siren may engage in a pursuit. Sworn, uniformed officers in semi-marked or unmarked units equipped with emergency lights and siren, may initiate a pursuit, but must immediately terminate involvement once relieved by a fully marked cruiser. Non-sworn personnel and personnel in vehicles without emergency lights and siren are prohibited from engaging in a pursuit.
2. Officers may only engage in or initiate a pursuit if, prior to the pursuit, there is reasonable suspicion or probable cause to believe that an occupant of the pursued vehicle has committed, is in the process of committing, or has threatened to commit a violent felony (e.g a felony crime of violence against a person, or a felony offense that creates a risk of serious bodily injury or death), or there exists an ongoing threat to an apparently innocent passenger in the vehicle that outweighs the risk of a pursuit.
3. In deciding whether to pursue a vehicle, the officer must evaluate several factors including, but not limited to, the following:
 - a. the safety of other motorists and pedestrians;
 - b. the nature and seriousness of the offense for which there is probable cause;
 - c. road and weather conditions;
 - d. whether the offender's identification is known;
 - e. patrol vehicle condition;
 - f. time of day or night; lighting; visibility;
 - g. traffic conditions;
 - h. type of vehicle involved (motorcycle, high performance vehicle, etc.);
 - i. population density of the area, e.g., residential streets, business district, or highway;
 - j. the officer's knowledge of the area;
 - k. the likelihood of children being present in the pursuit area (e.g., school zone, playground)
 - l. whether civilians are present in the potential pursuit vehicle (civilians may be deposited at a safe and appropriate location);
 - m. whether the offender is an adult or juvenile; and
 - n. the possibility of apprehension.
4. During the initial assessment period, officers may activate emergency lights and siren in a reasonable attempt to signal a vehicle to stop. Unless a pursuit is warranted and authorized by this SOP, however, as soon as it becomes reasonably apparent that the violator is ignoring or disregarding the signal to stop and is operating in either a reckless manner or in excess of the speed limit, the officer must immediately cease non-routine operations and notify dispatch of the situation. The final responsibility for all pursuits rests with the Shift Commander.
5. Once an officer has made the decision to pursue, the following procedure will be followed:
 - a. The officer initiating the pursuit shall immediately notify the Emergency Communications Center of the following: offense for which the pursuit was begun, the location, direction of travel, description of the vehicle, and number of occupants if known.
 - b. The Emergency Communications Center shall call for a "signal 1000," make sure the appropriate field supervisor and Shift Commander are notified, and check the vehicle registration information in an attempt to identify the owner of the fleeing vehicle.

- c. The Emergency Communications Center or a supervisor will assign a backup to the primary pursuit officer. All other units will not assist in the pursuit unless directed by the pursuit supervisor.
 - d. Only two units may be engaged in a pursuit at any given time, one acting as the primary pursuit vehicle and the second as the backup. The secondary unit should fall in behind the primary unit remaining far enough behind so as to not cause a collision should there be a sudden stop, collision or use of control. The secondary unit should not pass the primary unit and, once engaged in the pursuit, the secondary unit will be responsible for maintaining visual contact with the primary unit and for maintaining further radio communications regarding the status of the pursuit.
 - e. The primary and backup officer shall ensure that the emergency warning equipment (blue lights, siren and alternating headlights) is activated throughout the pursuit.
 - f. Only marked units are to be used in any pursuit, unless expressly authorized by a supervisor. Officers shall not become involved in a pursuit while operating any special purpose vehicle.
 - g. The field supervisor assigned will have control over the pursuit and will respond to the scene of the pursuit's conclusion.
 - h. Support units may be assigned as directed by the supervisor. They do not become actively involved in the pursuit but respond to the area of the pursuit to warn motorists and assist when it concludes.
 - i. If a supervisor becomes actively involved in the pursuit he/she may not serve as the pursuit supervisor. In order to maintain objectivity, supervision of the pursuit transfers to another on duty supervisor.
 - j. The pursuing officers and supervisor must continually reevaluate the risks of continuing the pursuit.
 - k. If a pursuit leaves the City, the officer shall notify Communications who will inform the field supervisor. The supervisor will decide to continue or terminate the pursuit. Factors to be considered include the ability of another agency to take over the pursuit, as well as those delineated in paragraph 3 above.
 - l. In the event a pursuit leaves our jurisdiction and the decision is made to continue the pursuit, the other jurisdiction will be made aware of the pursuit and the reason for it. The pursuit supervisor will ask that agency to take over the pursuit. Once the other agency has taken over the pursuit and a back-up unit is in place PPD personnel will immediately cease involvement in the pursuit.
 - m. A fresh pursuit of a suspected felon, which is otherwise authorized by this policy, may extend beyond the state line into New Hampshire or Massachusetts, but the pursuit shall be relinquished as soon as possible to law enforcement personnel in the entered state.
6. The backup officer shall:
 - a. follow the primary pursuit vehicle at a safe distance
 - b. use all emergency warning equipment
 - c. assume the responsibility of updating Communications with the location and direction of travel of the pursuit, and
 - d. if necessary, become the primary pursuit vehicle if the primary unit becomes disabled
 7. The procedures outlined above are not applicable in situations in which a person does not respond to an officer's attempt to stop him by using emergency warning equipment and the person is not exceeding the speed limit or driving in a reckless manner. In those situations, officers are to follow the vehicle and seek direction from the supervisor.

8. Prohibited actions during a pursuit
 - a. rolling roadblocks
 - b. ramming of the vehicle being pursued (unless the circumstances justify the use of deadly force.)
 - c. Stationary roadblocks without the prior approval of the shift commander and only for the purpose of deploying a department issued tire-deflating device.
 - d. Use of a tire-deflating device to stop motorcycles, vehicles carrying hazardous materials or vehicles for hire (buses, taxis, etc.) that may be carrying passengers. No officer shall deploy a tire-deflating device without first being trained in its use.

9. If a stationary roadblock is established the following procedures are to be followed:
 - a. Once approval has been given to establish the roadblock, the dispatcher shall be advised of the location and shall communicate this to all units involved in the pursuit. Each unit in the pursuit must acknowledge the location with the dispatcher and the dispatcher must notify the roadblock units that the communication was received. If all units do not acknowledge, the roadblock will not be initiated.
 - b. The location of the roadblock must allow for the offending vehicle to see and recognize it as a roadblock and therefore allow the operator the opportunity to stop voluntarily.
 - c. Blue lights shall be used to identify the roadblock and warn other motorists. Warning lights should be positioned in such a manner that they will not blind or substantially interfere with the offender's vision.
 - d. In all instances an avenue of escape must be left open for the offending vehicle; it is in this area that the tire deflating device shall be set.
 - e. All officers at the roadblock shall allow sufficient time to position their vehicle and leave it, taking a position of safety away from it. If this is not possible the roadblock shall not be initiated.
 - f. Officers must make every effort to ensure the safety of the public at the scene of a roadblock. Pedestrians should be moved from the area and traffic in the opposite direction should be stopped a safe distance away, taking into consideration the intent of the roadblock to stop the offending vehicle and the probable distance to immobilize it after crossing the tire deflating device.

10. Pursuits by outside agencies into Portland
 - a. Upon receiving notification that a pursuit has entered the City, Communications personnel shall immediately determine from the initiating agency the reason for the pursuit. This information shall be provided to all units in the area of the pursuit, the field supervisor and the Shift Commander.
 - b. Should a pursuit initiated by an agency outside this jurisdiction enter the City, all procedures outlined in this directive shall be adhered to. If the reason for the pursuit meets the requirements of pursuit established in this policy, one officer may assist as a second unit in the pursuit or assume the lead if requested by the other agency. Under no circumstances will PPD personnel directly participate if there are already two or more units involved in the pursuit. Support units will be assigned to respond accordingly, being in the area but not becoming active in the pursuit.
 - c. If, in the judgment of any Portland Police officer, a pursuit by an outside agency is in violation of any part of this directive, the officer shall terminate his involvement in the pursuit. The

Shift Commander or supervisor will contact the pursuing agency and request them to terminate the pursuit and notify the Major.

11. Pursuit into Outside Jurisdictions

- a. When a pursuit appears to be headed outside the city limits, the dispatcher shall notify the appropriate police department and keep it informed of the status and location of the pursuit. Pursuing unit(s) should consider using statewide channels to enhance interagency communication, but must maintain radio contact with a Portland supervisor.
- b. If an outside agency becomes actively involved in a pursuit initiated by this department, the primary officer should assume a secondary position to the other agency and advise the Shift Commander, who will decide the degree of this department's continued involvement. The preference will be to turn the pursuit over to the other agency as soon as possible.
- c. A fresh pursuit of a suspected felon, which is otherwise authorized by this policy, may extend beyond the state line into New Hampshire or Massachusetts, but the pursuit shall be relinquished as soon as possible to law enforcement personnel of the entered state.
- d. If an outside agency requests that the Portland Police Department terminate a pursuit in its jurisdiction, the Shift Commander shall order that the pursuit be terminated.

12. Termination of pursuits

- a. If, in the opinion of the pursuing officer, field supervisor or Shift Commander, the potential danger to the violator, uninvolved persons or police personnel outweighs the necessity of apprehension, the pursuit will be terminated.
- b. If an outside agency assumes control of a pursuit initiated by our Department, the supervisor overseeing the pursuit will decide our continued involvement.
- c. If an outside agency requests that we terminate a pursuit in their jurisdiction, the supervisor and/or Shift Commander will review the status of the pursuit to determine if it is being conducted in accordance with this policy or should be terminated.
- d. If a pursuing officer loses communication with both the Emergency Communications Center and the supervisor, he shall terminate the pursuit.
- e. An officer will not be disciplined for his/her decision to terminate a pursuit.

13. Tire Deflating Devices

- a. Only trained officers may deploy the approved device, as trained. The responsibility for the safe deployment of the tire-deflating system rests with the deploying officer.
- b. An officer should deploy a tire-deflating device only after advising the pursuing officer(s) that the device will be deployed and the location of the deployment and the pursuing officer(s) has acknowledged the information. An on-duty supervisor may alter or override the decision to deploy the device.
- c. Discretion shall be used in selecting and positioning deployment locations, considering officer and public safety concerns. Flat, straight, level areas are preferred. Areas with schools, gas stations, hills, corners, busy intersections or other areas with uncontrolled pedestrian or vehicular traffic, or without officer cover / concealment are discouraged. Officers will use cover and stand clear of the protective objects and / or vehicles.
- d. A tire-deflating device may NOT be used to stop an ATV, motorcycle, moped, bicycle, motor driven cycle, tractor-trailer hauling a hazardous material, or a bus carrying non-culpable passengers.
- e. Unless otherwise directed by a supervisor, officers will activate emergency lights on police vehicles at the scene of the deployment. Police vehicles may be positioned for the purpose

of channeling the fleeing vehicle, with the tire-deflating device being deployed across the suspect's travel lane or "avenue of escape."

14. Critique of pursuits

- a. A critique of the pursuit, including any use of stationary roadblocks, will be conducted as soon as possible. The critique should be conducted by the Shift Commander and should include as many of those involved in the pursuit as possible, including Communications personnel and outside agencies.
- b. The purpose of the critique should be to determine, among other things, whether the procedures in this policy were adhered to; the effectiveness of the pursuit policy; any training issues raised by the conduct of the pursuit, etc.
- c. A report detailing the results of the critique will be completed by the Shift Commander and forwarded to the Major.
- d. A State of Maine "Motor Vehicle Pursuit Report" will also be completed, reviewed by the Major and then sent to the Traffic Section for forwarding to the Maine State Police Traffic Division.
- e. The shift commander shall ensure completion of required reports and will review those and video footage, critiquing the incident including the basis for initiating, terminating and / or allowing the pursuit to continue and noting any recommendations for improvement. The shift commander will assess whether the pursuit was consistent with SOP and will submit their findings and recommendations to the Major.
- f. Any pursuit related incident that results in any personal injury, or any property damage in excess of \$5,000, will be forwarded for administrative review.
- g. By February 28 of each year, the Traffic Sergeant will review and analyze all of the pursuit incidents from the preceding year, including the use of stationary roadblocks or tire deflating devices, and will forward a report of that review and analysis to the Chief of Police.

D. Non-Routine Vehicle Operations – Failure to Stop Situations

1. An attempt to stop a vehicle that is being operated less than ten miles per hour over the speed limit and in accordance with traffic control devices is considered a Failure to Stop situation, and is not subject to the restrictions applicable to Pursuits.
2. In case of a Failure to Stop where the sole reason for the initial stop was based upon a traffic infraction or civil violation, the officer shall cease non-routine vehicle operations.
3. In other Failure to Stop situations, the officer shall consider the same factors listed in IV.C.3 above and, as deemed safe and appropriate, follow the vehicle using emergency equipment and promptly notifying dispatch to request direction from a supervisor.

E. Vehicle Idling

Department vehicles are subject to the City's Anti-Idle policy which prohibits vehicle idling when the temperature is above 32 degrees and limits idling to ten minutes when the temperature is less than 32 degrees. The prohibition does not apply if the vehicle is responding to an emergency or if the vehicle battery would be discharged because of onboard electrical equipment such as computers, radar, or emergency lights.

V. **Use of vehicle equipment**

A. Occupant protection safety/seat belts

1. All personnel utilizing a Department vehicle shall use the safety/seat belt system provided.
 2. All operators of a Department vehicle shall ensure that **all** passengers are secured in the safety/seat belt system provided.
 3. If it is safe for the officer to do, all prisoners will be secured in the safety/seat belt prior to transport.
 4. Department vehicles with inoperable safety/seat belt assemblies will not be used if another vehicle with properly working safety/seat belts is available.
 5. Inoperable safety/seat belts will be immediately reported to the Shift Commander and noted on the vehicle status board.
- B. Blue lights shall be used under the following conditions:
1. every time the siren is used;
 2. as a warning at the scene of a hazardous area that is a danger to traffic and/or pedestrians; and
 3. at all times when attempting to stop another vehicle.
- C. When using the siren, it shall be turned to the automatic mode. The manual mode may be used in addition in those instances requiring temporary attention, (i.e. to pull over a motorist when normal methods have failed) Flashing hazard lights (tail and parking) are not to be used while the vehicle is in motion, because they interfere with turn signal operation.
- D. Alternating headlights (wigwags) shall only be used in conjunction with blue lights and only when the car is in motion.
- E. The spotlight should not be used to signal motorists to stop or directed toward a moving vehicle, due to the possibility of causing temporary blindness.
- F. When using the radio or public address system, caution shall be exercised to set the volume at a reasonable level.

VI. Responsibilities

- A. Officers are responsible for being familiar with the applicable statutes in M.R.S.A. Titles 15, 17-A, 29-A, and 30-A and the pertinent chapters of the Maine Law Enforcement Officers Manual as these serve as the foundation for this policy.
- B. Supervisors will closely monitor the emergency response driving of their personnel. Concerns regarding the emergency response driving of an officer shall be brought to the officer's attention. If, in the supervisor's opinion, the problem is not then adequately corrected, the supervisor may direct additional training, counseling or job improvement plans. Significant policy violations must be referred to Internal Affairs.
- C. The responsibility for the safe operation of a police vehicle remains with the operator. If in the judgment of an officer or supervisor riding as a passenger, the vehicle is being operated in an unsafe manner or in violation of the provisions or intent of this order, it is incumbent on the passenger to bring this fact to the attention of the operator.
- D. Communications (and whenever possible, sworn) personnel will monitor pending calls and prioritize their response in accordance with existing dispatch protocols and information available regarding the nature of the call.