

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2300

H.P. 1746

House of Representatives, March 19, 1984

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Judiciary is suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Limerick.

Cosponsor: Representative Perry of Mexico.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Establish a Policy and
Procedure for Law Enforcement Officers
Engaged in the Pursuit of Fleeing or Speeding
Vehicles.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA c. 191, subc. I is enacted to read:

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 2. 25 MRSA c. 191, subc. II is enacted to read:

SUBCHAPTER II

HIGH SPEED CHASES

1 §1521. Policy

2 It is self evident that high speed chases involv-
3 ing law enforcement officers and offenders of the law
4 seriously endanger not only the lives of the pursuer
5 and pursued but also the general public. In many
6 cases, the results of high speed chases have been se-
7 rious injury and death. High speed chases have been
8 undertaken, on many occasions, for offenses that do
9 not involve violence and the suspect does not pose a
10 very serious threat to the general public.

11 It is also evident that alternatives exist to
12 high speed chases that accomplish the same objective
13 of a pursuit at less cost to human life. It is the
14 intent of the Legislature that state law enforcement
15 officers undertake high speed chases only as a last
16 resort measure and at times that the public safety
17 and welfare is very seriously jeopardized. Further,
18 it is the intent of the Legislature that high speed
19 chases shall not be undertaken when the identity of
20 the person being pursued is known and that person can
21 be arrested at a later date with less of a threat to
22 the public safety and welfare.

23 §1522. Definitions

24 As used in this subchapter, unless the context
25 otherwise indicates, the following terms have the
26 following meanings.

27 1. Chief. "Chief" means the Chief of the State
28 Police.

29 2. Compact section. "Compact section" has the
30 same meaning as defined in Title 23, section 2, sub-
31 section 1.

32 3. High speed chase. "High speed chase" means
33 the pursuit by a state law enforcement officer of a
34 vehicle which is operated in excess of 20 miles per
35 hour of the posted speed limit and for the purpose of
36 escaping apprehension by a law enforcement officer.

37 4. State law enforcement officer. "State law
38 enforcement officer" means a state police officer and
39 a warden employed by the Department of Inland Fisher-

1 ies and Wildlife or by the Department of Marine Re-
2 sources.

3 5. Supervisor. "Supervisor" means a state po-
4 lice officer designated by the Chief of the State Po-
5 lice.

6 §1523. Consideration of pursuit

7 Prior to engaging in a pursuit, a state law en-
8 forcement officer shall immediately contact his su-
9 pervisor of his intention to engage in a high speed
10 chase.

11 1. Conditions to be considered. A state law en-
12 forcement officer shall not undertake a high speed
13 chase until he has considered the following:

14 A. The nature of the violation, other than
15 speeding, for which the operator of or an occu-
16 phant in the fleeing vehicle is a suspect;

17 B. Identification of the violator;

18 C. Traffic conditions;

19 D. Population density;

20 E. Road and weather conditions;

21 F. Familiarity of the officer with the area; and

22 G. Patrol car capability and condition.

23 §1524. Initiation of pursuit

24 1. Information to be reported. Once engaged in
25 a high speed chase, a state law enforcement officer
26 shall remain in contact with his supervisor. The of-
27 ficer shall provide the supervisor with the following
28 information and any other information deemed neces-
29 sary by the supervisor:

30 A. The reason for the pursuit;

31 B. A description of the vehicle;

1 C. An approximate description, if possible, of
2 the occupants in the fleeing vehicle;

3 D. The speed of the fleeing vehicle; and

4 E. The location and direction of travel of the
5 fleeing vehicle.

6 2. Approval of pursuit. Following the reporting
7 of the information as required in subsection 1, the
8 supervisor shall approve or disapprove continuation
9 of the high speed chase. A state law enforcement of-
10 ficer shall not continue a high speed chase without
11 the express approval of his supervisor.

12 3. Implementation of the pursuit. Once a high
13 speed chase has been initiated and approved in ac-
14 cordance with this section, the chase shall be con-
15 ducted by the state law enforcement officer in a man-
16 ner to pose the least possible risk to the general
17 public.

18 A. In addition to any other prohibitions estab-
19 lished by the chief, a high speed chase shall
20 not:

21 (1) Involve more than 3 law enforcement ve-
22 hicles in a chase, unless expressly autho-
23 rized by the chief;

24 (2) Involve ramming the fleeing vehicle;

25 (3) Involve reckless operation of the pur-
26 suing vehicles; and

27 (4) Be conducted in a compact section.

28 §1525. Termination of a high speed chase

29 A high speed chase shall be terminated upon the
30 following conditions.

31 1. Speed limit. The speed of the law enforce-
32 ment vehicle exceeds the posted speed limit by 20
33 miles per hour.

1 2. Nature of offense. The offense for which the
2 high speed chase is initiated is a Class D or Class E
3 crime not involving physical force and continuation
4 of the chase will unreasonably endanger the lives of
5 those involved in the chase or the lives of the gen-
6 eral public.

7 3. Identification of suspect. The suspect can
8 be identified and apprehended later with less of a
9 threat to the safety and welfare of the general pub-
10 lic.

11 4. Road conditions. Road and weather conditions
12 make successful conclusion of a high speed chase most
13 unlikely and place in greater jeopardy the safety and
14 welfare of the general public and those involved in
15 the chase.

16 5. Inexperienced or reckless operator. The op-
17 erator of the fleeing vehicle is inexperienced in op-
18 erating a vehicle or is operating extremely
19 recklessly, other than speeding, as a result of the
20 chase.

21 §1526. Penalty for violation

22 Any state law enforcement officer who is found to
23 have violated the provisions of this subchapter com-
24 mits a civil violation for which a forfeiture not to
25 exceed \$500 may be adjudged. The penalty provided in
26 this subchapter shall not prohibit the Chief of the
27 State Police, the Commissioner of Marine Resources or
28 the Commissioner of Inland Fisheries and Wildlife
29 from taking disciplinary action against a state law
30 enforcement officer who violates the provisions of
31 this subchapter.

1

STATEMENT OF FACT

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The purpose of this bill is to establish policy

and procedure to be used by state police officers en-

gaged in the pursuit of speeding or fleeing vehicles.

3 The bill provides mandatory guidelines to be followed

4 for initiating, conducting and terminating high speed

5 chases.

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