

# MEMORANDUM FOR RECORD



## HOLLIS POLICE DEPARTMENT

To: Joseph R. Hoebeke, Chief of Police  
From: Captain Brendan LaFlamme, Operations Bureau Commander  
Date: February 23, 2021  
Subject: Annual Pursuit Analysis and Review of Pursuit Policies and Reporting Procedures (41.2.2 L.)  
Cc: Lieutenant James Maloney, Administrative Services Bureau Commander

### **I. INTRODUCTION:**

At your direction, I have completed an analysis of motor vehicle pursuits involving members of the Hollis Police Department in 2020.

The following definition is found in *Hollis Police Department General Order PR-314, Vehicular Pursuit*:

- A. **Vehicular Pursuit:** A multi-stage process by which a police officer initiates a vehicular stop and a driver resists the signal or order to stop, increases speed, takes evasive action and/or refuses to stop the vehicle. Once the driver refuses to obey the police officer's signal or order, this pursuit general order will determine the officer's and agency's actions.

After careful review of Hollis Police Department records, it has been determined that there were NO pursuits in 2020. This is a decrease from both 2018 and 2019; there was one recorded vehicle pursuit in each of those years.

### **II. PURSUITS OR RELATED INCIDENTS:**

#### **A. SUMMARY:**

Although the Hollis Police Department did not engage in any pursuits in 2020, I identified seven incidents in which motorists

were charged with Disobeying an Officer (NH RSA 265:4). This charge is commonly associated with those who either refuse to stop or flee from police. Seeing these charges caused me to look more closely at these seven incidents. I found that four of the incidents involved elements of the offense that did not include actively fleeing, or refusing to stop for the police. The charges stemmed from actions such as turning down side roads to avoid detection, or providing false identifying information to the requesting officer.

The remaining three incidents did involve operators who made conscious decisions to flee from attempted motor vehicle stops. Officers did not actively engage in pursuits in these incidents, but the operators were located and charged. Details of these three incidents are as follows:

### **Incident 1:**

On May 14, 2020, at approximately 0750 hours, an officer attempted to make a motor vehicle stop for speed. Upon turning his cruiser around and activating his emergency lights, the vehicle fled at a high rate of speed. The officer did not try to catch up, but followed at a safe speed with his emergency lights activated, maintaining intermittent visual contact with the vehicle. Eventually, the vehicle was seen turning onto a dead-end road. The officer was able to catch up at that point and stop the vehicle as it was coming back down the dead-end road. The Driver was charged with Disobeying an Officer for his actions.

### **Incident 2:**

On July 21, 2020, at approximately 2140 hours, an officer attempted to stop a vehicle for a speeding violation. The vehicle fled at a high rate of speed. The officer quickly lost sight of the vehicle, and realizing that pursuing was futile (and not consistent with policy) did not engage in pursuit. He did continue traveling on Broad St with his emergency lights activated, albeit at a safe speed (minimal traffic was present due to time of day). The officer turned his emergency lights off at the town line, and took a route back into town that involved traveling through the neighboring jurisdiction. The officer happened to come upon the same vehicle that had fled, and he conducted a motor vehicle stop which resulted in the arrest of the driver for Disobeying an Officer, among other offenses.

### **Incident 3:**

On August 31, 2020 at approximately 1845 hours, an officer

attempted to stop three motorcycles for a speeding violation. Two of them pulled over, and the third fled. The officer made no attempt to pursue the third, but was able to identify who the driver was. He prepared a warrant and the subject was arrested at a later date.

**B. REPORTING:**

As previously stated in this analysis, there were no recorded pursuits in 2020. The incidents mentioned above were all documented through the appropriate report categories, in full detail. All reports were reviewed and approved by patrol supervisors. In two instances, HPD Use of Force reports were required and completed, as a result of firearms being drawn on felony stops. Additionally, one HPD Criminal Intelligence Report form was utilized when one of the subjects arrested agreed to make drug purchases in exchange for reduced/dropped charges.

**C. SAFETY:**

No significant safety issues were noted in any of these instances. Four of these instances did not involve vehicles fleeing at a high rate of speed. Of the three that did, officers used sound judgment and great restraint in not pursuing at high speeds. Officers recognized that the violation level offenses that were the reason for the stop did not allow for pursuit, as detailed in PR-314, Vehicular Pursuit. They slowed down, and simply continued in the same direction as the fleeing vehicles, which ultimately led to the suspects being located. With two vehicles that did flee, officers utilized sound tactics when the vehicles were located, primarily by conducting felony stops and having cover officers present. The third suspect was arrested at a later date with a warrant.

**D. OPINION:**

It is clear after reviewing the facts and circumstances of the instances above that Hollis officers are well versed in our pursuit policy and can make sound decisions in determining when to engage in a pursuit. In the instances listed above, the motor vehicle stops were all for violation level offenses. Policy clearly states that engaging in vehicular pursuit for violation level offenses is prohibited. When subjects flee, it is a natural response to pursue. Our officers are able to quickly identify when someone is deliberately attempting to flee and recognize when it is appropriate to "stand down" and not pursue.

In two of the instances above, some would interpret that the events should be considered a pursuit, as the officers continued traveling with emergency equipment activated. The distinction here is that the officers knew pursuit was not permitted, and did not attempt to catch up to the fleeing vehicles. Had the vehicles not made turns into dead end streets, the violators most likely would not have been caught, due to the officer's decisions to not pursue.

**E. RECOMMENDATIONS:**

1. Training: We should continue to provide annual training on the topic of Vehicular Pursuit, which includes policy review, training videos through reputable vendors, and policy tests. As of the date of this analysis, training in these topics have already been completed for 2021. Additionally, training in the area of defensive driving should be required, through certified training instructors. This most recently occurred in October of 2020, with all officers attending training hosted by the Hudson Police Department.

There also needs to be a focus on First Line Supervisors to monitor incidents where subjects refuse to stop for police.

Both supervisors and officers need to recognize that there is a fine line between a prohibited pursuit and an effort by an officer to follow a fleeing vehicle from a distance. This practice, although currently allowed, does present an elevated level of risk to officers and members of the public

2. Equipment: No changes or additional equipment is needed. In January, 2021 the Hollis Police Department added in car camera systems to all marked units. This equipment will be an asset should we experience any pursuits in the future.
3. Policy Modification: I would recommend that we modify the content of our pursuit policy to include language that addresses the following of vehicles from a safe distance even when a pursuit, as defined by policy, has not been initiated. It is clear through our review and analysis that officers seem to have adjusted their tactics to the current policy language in order to continue in their efforts at stopping a person who commits a violation level offense, or for a motorist who flees and does not necessarily meet the criteria for the initiation of a pursuit. It is evident that the three incidents detailed in Section II. A. of this analysis demonstrate a

need for such modification in an effort to mitigate risk and not for the purposes of restricting investigatory processes followed by officers. Further guidance, including whether or not following with emergency equipment activated is allowed, should be provided to officers and supervisors through the policy.

#### **F. HISTORICAL REVIEW OF HOLLIS POLICE DEPARTMENT PURSUIT POLICY**

Since 2011, the Hollis Police Department has initiated 13 vehicle pursuits, which equates to less than one pursuit per year (.69). The written directive covering vehicular pursuits (*Hollis Police Department General Order PR-314*) was originally published as a Hollis Police Department General Order on July 7, 2015. Since that time, it has been modified as follows:

- In October 11, 2017, a significant policy modification was published and disseminated to all sworn officers. The policy modification included stricter provisions with the purpose of narrowly regulating the manner in which vehicle pursuits are undertaken and performed.
- Policy modifications at this time included the development and use of a new Hollis Police Department Vehicle Pursuit Report, which includes more detailed reporting information for administrative reviews and officer accountability.
- Two minor policy modifications occurred on October 20, 2017 and December 5, 2017, specifically to address minor formatting issues and a slight modification to the definition of vehicle pursuit to eliminate redundant language and clarify remaining language.
- On February 28, 2019, the policy was amended again, to include "All newly hired sworn personnel shall be given documented initial training on..." whereas previous versions did not account for initial training of newly hired officers. This amendment was not related to the one pursuit from 2019.
- On January 13, 2020, the policy was amended again. These modifications included minor language changes that better fit CALEA accreditation standards.

Although the completion of Vehicle Pursuit Reports was apparently not required prior to 2015, Hollis Police Officers have (since 2015) and continue to report their pursuits using the required reporting form. Once the form is submitted, the Vehicle Pursuit Reports are

submitted and go through the administrative review process, which includes review by a Supervisor, the Administrative Services Bureau Commander, the Operations Bureau Commander, and the Chief of Police. Pursuit Reports are then scanned and added to the Guardian Tracking System. This serves as a mechanism to properly document the pursuit. It also allows us to administratively utilize the software's feature of sending an Early Intervention Alert should entries indicate a pattern of questionable behavior by an officer.

### **III. CONCLUSION**

As noted above, Officers seem to have adapted their tactics to still engage with a fleeing motorist, while conforming with policy. These tactics potentially create unnecessary hazards to the violator, the officer, and the public. It is recommended that policy language be modified to address this issue. Aside from the foregoing, the policy as a whole is generally effective and suitable for the agency. In the future, we should continue to undergo policy review and revision depending on the changing needs of the agency, making the appropriate modifications of *Hollis Police Department General Order PR-314, Vehicular Pursuit* as needed.

Respectfully Submitted,



Captain Brendan LaFlamme

Operations Bureau Commander

Review by the Chief of Police on 1 MARCH 2021.

Joseph R. Hoebeke, Chief of Police

Signature: \_\_\_\_\_

