

# MEMORANDUM FOR RECORD



## HOLLIS POLICE DEPARTMENT

301 1/18/22

To: Joseph R. Hoebeke, Chief of Police  
From: Captain Brendan LaFlamme, Operations Bureau Commander  
Date: January 18, 2022  
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 2021.

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 was one pursuit in 2021. In addition to reviewing our single pursuit report, I also performed a Hollis Police Department records check searching for incidents in which individuals were charged with Disobeying an Officer (NH RSA 265:4). This charge is commonly associated with cases in which operators actively attempt to flee from motor vehicle stops. In 2021, the HPD charged three individuals with this offense. In reviewing these cases, one was found to be a situation where an operator fled a motor vehicle stop. No pursuit was initiated, but the incident will be included in this analysis.

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

### **A. SUMMARY:**

#### **Incident 1: May 3, 2021, 1904 hrs**

A patrol officer was traveling south on Silver Lake Rd when he observed a motor cycle coming towards him (northbound) at 81 MPH. The posted speed limit in this area is 35 MPH. The officer activated his emergency lights and turned around in attempt to stop the motorcycle. The motorcycle increased its speed, and turned down a side road. The officer attempted to catch up to the motorcycle, to no avail. The motorcycle kept increasing speed and distance, until it could not be seen any longer. The officer deactivated his emergency equipment and continued along the roadway in an effort to locate the motorcycle. It was never found, and the driver was never identified. The pursuit traveled approximately 2 miles, with the motorcycle estimated to be traveling over 100 MPH.

#### **Incident 2: June 8, 2021, 0032 hrs**

A patrol officer was checking on a car parked at a closed business. A male subject was standing near the car. The officer pulled into the parking lot, and as he was calling in his location and the license plate, the male entered the vehicle and drove off. Recognizing this as suspicious activity, the officer attempted to effect a motor vehicle stop on Route 111. After activating his emergency lights, the vehicle started to pull over, then accelerated and fled into Massachusetts. The officer did not pursue. The vehicle information was provided by dispatch to the officer. This provided enough information for a thorough investigation to take place, and an arrest happened at a later date.

### **B. REPORTING:**

Both incidents listed above were documented using the appropriate Hollis Police Department reporting methods. An offense report and an HPD Vehicle Pursuit Report were completed for Incident #1. An offense report, warrant, and arrest report were completed for Incident #2. No HPD Pursuit Report was completed, as this incident did not meet the definition of a pursuit, as defined in PR-314.

### **C. SAFETY:**

In regards to incident #1 listed above, it was determined that the speeds the officer was driving at were unsafe given the time of day,

the amount of civilian traffic that was on the roadway, and the design of the roadway. No other safety issues were identified.

No safety issues were identified in incident #2.

**D. OPINION:**

After reviewing the facts and circumstances of the incidents above, which included reviewing in car camera footage, it was determined that Incident #1 was not in compliance with policy. The officer was attempting to stop the motorcycle for a violation level offense. Pursuing for violation level offenses is prohibited by policy.

Incident #2 does not fit the definition of a pursuit. This incident is an example of an officer using sound judgment and recognizing that he was not authorized to engage in a pursuit. He was attempting to stop the vehicle for a violation level offense (Loitering or Prowling, NH RSA 644:6). Additionally, NH officers are not permitted to cross state lines in fresh pursuit, unless the person pursued is believed to have been operating a vehicle while under the influence of alcohol or drugs, or is believed to have committed a felony (NH RSA 614), which was not the case in this incident.

**E. RECOMMENDATIONS:**

1. Training: In February 2021 we conducted a complete review of our pursuit policy at our mandatory department meeting. Additionally, all department members received emergency driving training with instructors from the Hudson Police Department in October 2021.

We should continue to do annual training on the topic of pursuits including, but not limited to, policy review, testing, review of any available video pursuits, and practical exercises in defensive driving.

2. Equipment: No changes or additional equipment is needed.
3. Policy Modification: I have read and reviewed *HPD General Order PR-314 Vehicular Pursuit*. At this time, no policy modifications are recommended. Modifications were made in April of 2021 (see below), which will be effective in guiding officers in future pursuits.

4. While preparing this Pursuit Analysis, it was discovered that the officers' actual speeds were not recorded in any of our documentation. Also, the video recording had been deleted by retention, prohibiting me from retrieving the speeds. To prevent this from happening in the future, I have changed the video retention settings, and am recommending that our pursuit reporting form be updated with a field that includes this information.

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

Since 2011, the Hollis Police Department has initiated 14 vehicle pursuits, which equates to 1-2 pursuits per year. 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.

- The most recent policy amendment occurred on April 9, 2021. Definitions of *Trailing* and *Caravanning* were updated to provide better clarification of their meanings and intent. Additionally, language was added detailing "Prohibited Actions Following a Pursuit." These additions provide for accountability, with responsibilities such as recording all post pursuit searches, etc.

Hollis Police Officers 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**

It is apparent, by the fact that we only had one documented pursuit in 2021, that officers generally use sound judgement in determining whether or not a pursuit is permitted by policy and statute. Although our one pursuit was found to not comply with policy, quick attention to the identified issues occurred, by way of remedial training with the officer involved. This was documented through the Guardian Tracking system. The policy modifications mentioned above were designed to help prevent future violations.

Respectfully Submitted,



Captain Brendan LaFlamme

Operations Bureau Commander

Review by the Chief of Police on 18 JANUARY 2022.

Joseph R. Hoebeke, Chief of Police

Signature:

Joseph R. Hoebeke