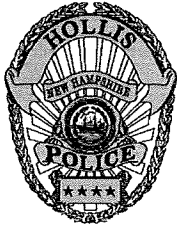


MEMORANDUM FOR RECORD



HOLLIS POLICE DEPARTMENT

To: Joseph R. Hoebeke, Chief of Police
From: Captain Brendan LaFlamme, Operations Bureau Commander
Date: January 13, 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 2022.

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 four pursuits in 2022. In addition to reviewing these reports, 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 2022, the HPD charged five individuals with this offense. Of these five, only three were as a result of active attempts to flee. One involved a vehicle fleeing, but no pursuit was initiated. In another, a driver of a vehicle provided a false name to an officer, which falls under the Disobeying an Officer statute, without the involvement of a pursuit. In addition to these

five arrest cases, we had one pursuit that resulted in no charges being brought forward. Hollis Officers also had two instances where vehicles fled from attempted traffic stops with no pursuit initiated. Operators in both of these incidents were later identified and warrants were issued for their arrest.

II. PURSUIT OR RELATED INCIDENTS:

A. SUMMARY:

Incident 1: March 9, 2022, 0505 hrs

A patrol officer was running radar on Broad St. when a vehicle passed him at a speed of 60 MPH in a posted 30 MPH speed zone. The officer activated his emergency lights and attempted to stop the vehicle. It did not initially stop, but slowed speed and continued on. While following the vehicle with lights and sirens activated, the officer noticed erratic driving that led him to suspect the driver could be impaired. After traveling approximately 1 mile, the vehicle finally came to a stop. A subsequent roadside investigation resulted in the arrest of a 48-year-old woman on charges of DUI (subsequent offense), Disobeying an Officer, and Driving After Suspension. This pursuit was found to be in compliance with policy and statute.

Incident 2: March 29, 2022, 2021 hrs

A patrol officer was on patrol on Runnels Bridge when he attempted to make a motor vehicle stop for speed (68 MPH in a 40 MPH zone). The officer attempted to stop the vehicle, which fled at a high rate of speed, passing other vehicles as it did so. The officer followed into Nashua, where he saw the vehicle turn into a neighborhood (he was a significant distance away at this time). The officer continued into that neighborhood to look for the vehicle. While canvassing the neighborhood, it was learned that a subject in the area just reported his truck being stolen. The truck was found crashed in the callers own backyard. This was the same vehicle from the pursuit. The owner denied any involvement in the pursuit. No charges resulted from this pursuit. Two policy violations were found during the administrative review of this incident. The officer received a counseling statement regarding the violations.

Incident 3: July 7, 2022, 1735 hrs

An officer was at Silver Lake State Park when he observed a subject leaving the park and entering the parking lot. This subject appeared to be unsteady on his feet. In the parking lot, he apparently remembered that he left his cooler inside the park. He turned, and ran back to get it. He returned moments later. With the cooler.

Minutes Later, the officer heard loud engine noises in the parking lot, and observed the same male subject driving a pick up truck. This truck drove erratically, by doing "donuts" in the parking lot. The officer attempted to stop the vehicle, but once the driver saw him, he immediately accelerated out of the parking lot. Believing that the driver may be intoxicated, the officer pursued, with lights and siren. The vehicle passed several other vehicles, and turned abruptly into a driveway. The officer made contact with the driver and subsequently charged him with Aggravated DUI, Disobeying an Officer, and Reckless Driving. This pursuit was found to be in compliance with policy and statute after administrative review.

Incident 4: December 12, 2022, 2125 hrs

An officer was notified that a vehicle reported as stolen in another jurisdiction was possibly driving in Hollis. He located the vehicle, and attempted to initiate a motor vehicle stop on it. The vehicle did not pull over. The officer activated his emergency lights and siren, and continued to follow the vehicle. The vehicle stopped on two separate occasions, but then fled again. Eventually the vehicle turned onto a cul de sac that had no exit. The officer, along with responding mutual aid officers, were able to perform a felony stop on the vehicle and take the driver into custody. The driver was charged with Receiving Stolen Property, Resisting Arrest, and Disobeying an Officer.

B. REPORTING:

All four incidents listed above were documented using the appropriate Hollis Police Department reporting methods, which includes a HPD Pursuit Report form. Incidents 1, 3, and 4 all have corresponding IMC generated arrest reports associated with them. Incident 2 has an IMC generated offense report associated with it.

C. SAFETY:

Although pursuits are generally considered dangerous by nature, no egregious safety issues were found related to these four pursuits. Factors such as time of day, existing road conditions, existing traffic, reason for pursuit, among others, were all taken into consideration when looking at overall safety during these pursuits. Officers drove within reasonable speeds in all four instances, without creating additional safety issues for any other motorists, pedestrians or property in the area.

D. OPINION:

After reviewing the facts and circumstances of the incidents above, which included reviewing in car camera footage, it was determined that Incidents 1, 3, and 4 were all within department policy. Specifically, pursuit was permitted in Incidents 1 and 3 based on the suspicion that the operators were driving under the influence of intoxicating substances. In incident 4, pursuit was permitted by policy due to the fact that the reason for the stop was a felony level offense (Receiving Stolen Property). Incident #2 violated policy in two different ways. As mentioned previously, the officer received a counseling statement concerning these violations.

E. RECOMMENDATIONS:

1. Training: In January of 2022, we completed a department wide Pursuit Policy Review and Training at a department meeting. 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. Several members of the department attended advanced drivers training through the Steven Driving School in 2022.

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 have been beneficial in guiding officers actions in regards to initiating, participating in, and discontinuing pursuits.
4. In the 2021 review of pursuits, it was found that speeds had not been documented during pursuits. Additionally, in car video retention settings were set so short that footage was lost, preventing us to use the videos to retrieve speed information. These issues were immediately rectified by making changes to our pursuit reporting form to include a field for recording speeds. Retention settings in our camera system software were set to

retain these videos for a broader time frame. Settings are now a twelve month minimum for retention, but can be longer for certain incidents (use of force situations, training purposes, etc.).

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.

- There are currently no further revisions being recommended to PR-314, Vehicular Pursuit.

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 frequency, which may include questionable behavior by an officer.

III. CONCLUSION

After careful review of all four pursuit reports from 2022, and the review of two other reports involving fleeing vehicles, that officers generally use sound discretion in regards to initiating pursuits. In the two instances where pursuits were not initiated, the officers were quick to determine that pursuing was not permissible by policy. In three of the four pursuits that were initiated, officers used sound judgment in making their decisions. As for the pursuit that was found to be in violation of policy, quick identification of the issues led to appropriate disciplinary action with the goal of preventing further violations and reducing liability. The officer's first line supervisor dealt with the violations promptly and appropriately.

Respectfully Submitted,

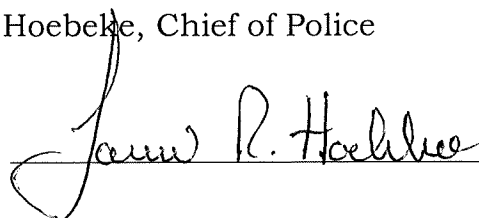

Captain Brendan LaFlamme

Operations Bureau Commander

Review by the Chief of Police on 17 JANUARY 2023.

Joseph R. Hoebeke, Chief of Police

Signature: _____



JOSEPH R. HOEBEKE
CHIEF OF POLICE