

MEMORANDUM FOR RECORD



HOLLIS POLICE DEPARTMENT

To: Joseph R. Hoebeke, Chief of Police
From: Captain Brendan LaFlamme, Operations Bureau Commander
Date: January 29, 2024
Subject: Annual Pursuit Analysis and Review of Pursuit Policies and Reporting Procedures (41.2.2 L.)
Cc: Captain 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 2023.

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 three pursuits in 2023. In addition to reviewing our three pursuit reports, I also performed a Hollis Police Department records check searching for incidents in which individuals were either charged with or suspected of committing the offense of 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 2023, the HPD charged four individuals with this offense. In reviewing these four cases, one was found to be a situation where an operator fled a motor vehicle stop. A pursuit was initiated and will be detailed in section II of this report. In addition to the four individuals charged with Disobeying an

Officer, members of the Hollis Police Department created four separate offense reports detailing instances where motorists fled from motor vehicle stops and were not pursued. These will also be detailed below.

II. PURSUIT OR RELATED INCIDENTS:

A. SUMMARY:

Incident 1: April 9, 2023, 1421 hrs

In response to multiple complaints of motor vehicle issues in a specific area, an officer was conducting a directed patrol to address the reported issues. While running stationary radar, the officer was passed by two dirt bikes, one of which did not display a registration plate. The officer attempted to make a motor vehicle stop, but the bikes increased speed and fled. The officer determined that pursuing the bikes would not be permissible under policy and did not pursue. The identity of the operators could not be established. This incident was documented with the appropriate system generated offense report.

Incident 2: July 31, 2023, 1650 hrs

A patrol officer was on a side road when he observed 2 dirt bikes traveling in the opposite direction. After they passed each other, the officer observed that neither vehicle displayed registration plates. As the officer turned around to initiate a motor vehicle stop of the vehicles, they both fled at a high rate of speed. The officer did not activate any emergency lights or audible signals, but continued in the same direction as the bikes, at reasonable speeds. Upon realizing that the bikes would not be located, he returned to where he initially saw them. A short time later, one of the bikes returned to the area. The officer attempted to conduct a motor vehicle stop by activating his emergency lights. The bike initially slowed down, as if it was going to pull over. After going through a stop sign, it exited the roadway and disappeared into a wooded area. The vehicle was never located. This incident did not meet the criteria of a pursuit. As a result, no pursuit report was created.

Incident 3: September 23, 2023, 1612 hrs

An officer was traveling on a Main Rd in Hollis when he observed an uninspected vehicle traveling towards him. As the vehicle passed, he turned around to initiate a motor vehicle stop. As he did so, the vehicle accelerated to a high rate of speed, passing several vehicles in an obvious attempt to elude the officer. The officer continued pursuit of the vehicle for approximately 1.5 miles before determining that further pursuit was futile due to the distance between vehicles. After disengaging pursuit, the officer continued in the direction that

the vehicle had fled. He was notified a short time later that the Nashua Police Department had found the vehicle abandoned on a side street in their jurisdiction. The subsequent investigation led to the identity of a suspect, and the driver was ultimately arrested for several different offenses. The officer completed the appropriate pursuit report. Review of this incident showed a policy issue, which will be explained later in this report.

Incident 4: December 14, 2023, 2210 hrs

An officer was traveling on a side road when he observed a vehicle traveling at a high rate of speed pass another vehicle, in a no passing zone. The officer activated his emergency lights and attempted to stop the vehicle. The vehicle continued at a high rate of speed, with it becoming clear that the driver had no intention of stopping. Once this was realized, the officer discontinued pursuit as the vehicle traveling into a neighboring jurisdiction. The length of pursuit was just over 1 mile. The officer filled out the appropriate pursuit report. Although a suspect was developed, sufficient probable cause to charge him could not be established.

Incident 5: December 19, 2023, 0053 hrs

An officer on patrol, running stationary radar, observed a dirt bike traveling at 59 MPH in a posted 40 MPH zone. As the dirt dike passed him, the operator looked directly at the officer. The officer activated his emergency lights and attempted to stop the dirt bike, at which time the dirt bike increased its speed. The distance between the dirt bike and the cruiser became so great that further pursuit was futile. After about 20 seconds, the officer disengaged. No suspects were ever developed. The officer filled out the appropriate pursuit tracking form.

B. REPORTING:

Although included in this analysis report, it was determined that incidents 1 and 2 listed above did not meet the definition of a pursuit, therefore no pursuit reports were generated. In both of these instances, the officers involved realized that pursuit would not be justified under policy and wisely opted not to pursue. Both incidents were documented using appropriate system generated reports.

The remaining three incidents all required the completion of a HPD Pursuit Report. All three incidents met the criteria of a pursuit, despite the brief duration. Offense number 3 was found to be in

violation of PR-314, in that the officer pursued for a violation level offense which is prohibited by policy. His speeds reached over 90 MPH, which is excessive and given the time of day and traffic on the roadways, extremely dangerous. The officer received a counseling notice related to this incident, to which he was receptive and understood the issues involved with the pursuit.

In regards to incidents 4 and 5, these were both very brief pursuits, and officers ended pursuit as soon as they realized that the drivers were intentionally not pulling over them. Both were documented properly. Although it could be argued that no pursuit report was required due to the officers terminating as soon as they realized the vehicles were not going to stop, the reports were done out of an abundance of caution and included within this analysis.

C. SAFETY:

In regards to incident 3 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 the remaining incidents.

D. OPINION:

After reviewing the facts and circumstances of the incidents above, which included reviewing in car camera footage, it was determined that Incident 3 was not in compliance with policy. The officer was attempting to stop the vehicle for a violation level offense, and driving at unsafe speeds. Pursuing for violation level offenses is prohibited by policy.

In all other incidents, the officers involved all used sound judgement and restraint in not pursuing. The officers respect the limitations set forth in policy, and further recognize the inherent dangers of pursuit.

E. RECOMMENDATIONS:

1. Training: In January 2023, we conducted a complete review of our pursuit policy in conjunction with a training program designed in house and administered through PowerDMS.

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 report, I discovered an error on our Pursuit Reporting Form. The title lists our policy as PR-304, when our policy governing pursuits is actually PR-314. I am recommending that the form be updated to reflect the correct policy reference.

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 was no recommendation for policy revisions in the 2022 pursuit analysis report. There were, however, recommendations to add fields to the reporting form itself.
- There are no recommendations for policy revisions in this pursuit analysis report. There is one recommendation to make a correction on our pursuit report form.

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 three actual pursuits in 2023, that officers generally use sound judgement in determining whether or not a pursuit is permitted by policy and statute. Although one pursuit did not comply with policy, quick attention to the identified issues occurred, by way of counseling with the officer involved. Much to the officers credit, he acknowledged the issue at hand, and understood the liability issues

involved. He took the counseling as a learning experience and agrees with the process. This was documented through the Guardian Tracking system.

Respectfully Submitted,



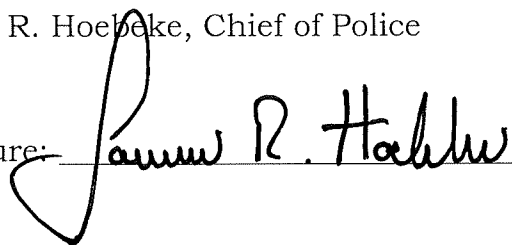
Captain Brendan LaFlamme

Operations Bureau Commander

Review by the Chief of Police on 2/7/2024.

Joseph R. Hoebeke, Chief of Police

Signature: _____



JOSEPH R. HOEBEKE
CHIEF OF POLICE