

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

March 9, 2015

Policy Number 4.01

MOTOR VEHICLE PURSUITS

POLICY

To assist its officers in the safe performance of their duties and to protect the public, it is the policy of this department to regulate the manner in which motor vehicle pursuits are initiated and conducted with the guidelines established in this directive.

PROCEDURE

I. DEFINITIONS

- A. Motor Vehicle Pursuit: An effort by an officer operating or directing the operation of a motor vehicle to stop another motor vehicle when an occupant of that vehicle is a suspected violator of the law and the driver of that vehicle appears to be ignoring lawful commands to stop or to be fleeing from the police.
- B. Authorized Emergency Vehicle: A vehicle that is authorized for police service and equipped with an operable department-authorized blue light and siren; and police helicopters.
- C. Primary Unit: The police vehicle that initiates or continues as the lead vehicle in a pursuit.
- D. Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit.
- E. Pursuit Supervisor: The sector sergeant assigned to the area where the pursuit is initiated. In the sector sergeant's absence, the field supervisor who is notified by the Communications Division shall be designated as the pursuit supervisor.

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- F. Body-worn Camera (BWC): A department-issued, compact video-recording device worn by an officer for the purpose of recording interactions with the public.
- G. Superior Officer: An officer above the rank of sergeant.

II. GENERAL CONSIDERATIONS

- A. Motor vehicle pursuits may be hazardous because of the speeds and intricate maneuvers involved.
- B. Therefore, in each decision to engage in a motor vehicle pursuit, the need to apprehend the suspect must be weighed against the need to avoid harm to persons and property. In general, the greater the risk of harm to the officer, the suspect, or the public in the pursuit, the less justification there is for the pursuit.
- C. It is impractical to formulate precise, objective rules to cover all pursuit situations because of the number and complexity of variables involved. Decisions about pursuits must be based on judgments by the participating officers. These judgments must reflect each officer's best efforts to apply common sense, training, experience, and departmental guidelines to the situation at hand.
- D. Pursuits must be carried out in accordance with the Hawaii Revised Statutes, Revised Ordinances of Honolulu, and the directives of the Honolulu Police Department (HPD).
- E. Officers should not engage in pursuits conducted by other (i.e., non-HPD) agencies or jurisdictions without authorization from their respective field supervisors.
- F. Vehicles not equipped with department-authorized blue lights and sirens shall not engage in motor vehicle pursuits.

III. INITIATION OF PURSUIT

The blue light and siren shall be used to command a vehicle to stop before a pursuit is initiated.

A. A pursuit may be initiated with an authorized emergency vehicle if an officer directs a driver to stop but that driver exhibits intentions of eluding the officer by being evasive.

B. When an officer initiates a motor vehicle pursuit, the officer shall continuously use the flashing blue light and siren and shall:

1. Immediately notify a dispatcher by specifically announcing that he or she is initiating a pursuit;
2. Provide the reason for the pursuit;
3. Provide the location and direction of the pursuit;
4. Provide the speeds involved;
5. Provide the weather conditions;
6. Provide a general description of the pedestrian and vehicular traffic;
7. Provide the description and license plate number of the pursuit vehicle; and
8. Provide a description of the pursued vehicle's occupants.

The officer shall provide frequent updates of items 3 to 6 above, particularly when the situation changes (e.g., speed increases or change in location or direction) or the pursuit is prolonged.

Secondary units have a shared responsibility to ensure frequent updates of items 3 to 6 above are provided.

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- C. The dispatcher shall, upon gathering adequate information, make timely notification to the appropriate field supervisors (field sergeants and/or lieutenants) and the on-duty lieutenant (or designee in the lieutenant's absence) of the Communications Division. The Communications Division lieutenant shall monitor the pursuit closely.
- D. A pursuit shall be handled by the primary dispatcher, who will select the frequency to be used. A multicast broadcast shall be made to notify all available units of the pursuit. The dispatcher shall transmit all available information about the pursuit.
- E. The dispatcher shall contact the helicopter unit and direct it to assist if the unit is available and it is deemed appropriate.
- F. The primary frequency dispatcher and officers in the field shall monitor the pursuit on their radios.

IV. SUPERVISORY RESPONSIBILITIES

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- A. When a pursuit is initiated, the responsibility for supervising the pursuit shall be assumed by the pursuit supervisor or, in that officer's absence, by the ranking supervisor available at the time (field sergeant or a field lieutenant). The pursuit supervisor shall determine the units that are to participate and shall direct the pursuit.
- B. The initially assigned pursuit supervisor is responsible for determining whether the situation is in fact a pursuit and shall direct the pursuit throughout its duration.

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- C. When a superior officer begins to instruct or direct officers involved in the pursuit, the pursuit supervisor's responsibilities are transferred to that superior officer.
- D. When continuing the pursuit becomes dangerous, it shall be the responsibility of any field supervisor to terminate it.
- E. The initial patrol district watch commander shall ensure that a To/From report to the district commander is submitted in accordance with section VII A of this directive.

V. PURSUIT TACTICS

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A. Number of Police Vehicles

As a general rule, no more than two police vehicles shall pursue another vehicle at any time. However, the pursuit supervisor may authorize more vehicles to participate in the pursuit if deemed necessary for the safety of the officers involved (e.g., multiple suspects, armed suspects, or serious crime).

1. Primary Unit

Guidelines for the primary unit's involvement in a pursuit are outlined in section III.

2. Secondary Unit

The operator of a secondary unit that becomes involved as a backup to the primary unit shall:

- a. Keep the emergency lights and siren activated at all times during the pursuit;
- b. Inform a dispatcher that he or she is engaging in the pursuit; and
- c. Inform a dispatcher when he or she takes over the pursuit.

B. Officers Not Participating in the Pursuit

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Officers not directed by the pursuit supervisor to participate shall not join in the pursuit. They should monitor the progress of the pursuit on their radios and position themselves so as to be prepared to assist if directed to do so.

C. Overtaking the Pursued Vehicle

An officer should not attempt to pull alongside or pass a pursued vehicle; to do so would only place the officer in a vulnerable position. Rather, the pursuing officer should remain a safe distance behind the pursued vehicle and keep it in sight until the driver stops voluntarily. Pursuing police vehicles should remain a safe distance from each other.

D. Firearms

If a firearm is used, it shall be in strict compliance with applicable laws and directives covering the use of firearms.

E. BWC

Any officer with a BWC who becomes involved in a pursuit shall activate and use the camera in strict compliance with applicable laws and directives. Refer to Policy 2.57, BODY-WORN CAMERAS.

F. Ramming/Blocking/Containing

Vehicles used for law enforcement purposes, regardless of registered ownership, shall not be used to block, contain, or ram a subject's vehicle.

G. Traffic Regulations

Officers not directed to participate in a pursuit shall not violate traffic regulations in order to position themselves near the pursuit.

H. Helicopter

The helicopter shall assist in a pursuit when the unit is available and is deemed appropriate to do so. If the helicopter is able to track the pursued vehicle, this fact and other relevant information shall be relayed to the pursuit supervisor. Based on the information provided, the pursuit supervisor may consider directing all ground units to terminate their pursuit and have these units respond to the location of the pursued vehicle in a nonemergency status.

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VI. TERMINATION OF PURSUIT

A. A pursuit shall be terminated under any one of the following conditions:

1. When the risk created by the pursuit is unreasonable given the nature of the offense for which the suspect is being pursued and the conditions under which the pursuit must be conducted.

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- a. An assessment of the risks created by the pursuit should include:
 - (1) Speeds involved;
 - (2) The volume of traffic on the road;
 - (3) Pedestrian traffic;
 - (4) Weather and roadway conditions;
 - (5) Actions of the pursued vehicle;
 - (6) Actions of the pursuing officer(s); and
 - (7) Additional factors such as actions at intersections (e.g., running a red light or stop sign), school zones, time of day, and anything else that may affect visibility and maneuverability.

- b. The primary responsibility for a decision to terminate a pursuit rests with the pursuit supervisor. The primary unit is responsible for the decision when no supervisor is available.

- 2. When the suspect has been identified with sufficient certainty that apprehension can be effected later.
- 3. When the whereabouts of the pursued vehicle are no longer certain.

- B. While supervisors are charged with the responsibility of terminating a pursuit, this does not preclude any other officer, including the primary unit, from terminating the pursuit based on his or her knowledge of conditions that are relevant to the pursuit.

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- C. The helicopter pilot will have the final discretion to terminate their participation in a pursuit if the pilot or observer feels the risk to continue the pursuit from the air outweighs the need to continue the pursuit.

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- D. When a pursuit is terminated, the pursuing officer(s) shall turn off the vehicle's siren and blue lights, reduce the vehicle's speed to the posted limit, and attempt to maneuver his or her vehicle out of view of the pursued driver.
- E. Upon the termination of the pursuit, the helicopter shall climb to the normal cruising altitude and out of view of the pursuit vehicle unless directed by the pursuit supervisor to continue monitoring the vehicle.

VII. MOTOR VEHICLE PURSUIT REPORTS

- A. A To/From report on each motor vehicle pursuit shall be prepared by all participating personnel from all of the elements that were involved in the pursuit (e.g., pursuit supervisor, primary and secondary units, and officers of the Helicopter Section) and reviewed by the respective element commander. The reports shall include:
 1. The reason for the pursuit;
 2. The date, start time, and end time of the pursuit;
 3. Parties involved;
 4. Synopsis of the circumstances; and
 5. If a BWC was present and whether or not it was activated.

The on-duty lieutenant or designee of the Communications Division shall submit a To/From report documenting the involvement of the division's personnel in the pursuit incident.

- B. Each report shall be forwarded by the next day after the incident to the commander (or designee) of the element where the pursuit began. This commander is responsible for collecting all of the reports and submitting them to the Professional Standards Office (PSO) within five days of the pursuit. The commander should use a To/From template, which outlines relevant information regarding motor vehicle pursuits, as a transmittal for all of the reports. Copies of this template can be obtained from the PSO.

- C. The major of the PSO shall forward a set of the reports and transmittal to the Pursuit Review Board (PRB) and commander of the element where the pursuit began.

VIII. PURSUIT REVIEW BOARD

The PRB shall review all motor vehicle pursuits and recommend a course of action to the Chief of Police. The board shall consist of a major or designee from each bureau (total of six). The Traffic Division major shall be the chair for the PRB. The other five members shall be selected by the Administrative Review Board (ARB). A majority of the board members constitutes a quorum.

- A. Each member shall serve at least 12 months and two members shall be replaced by the ARB each year.
- B. A vice-chair shall be elected by the PRB members and shall serve a minimum of 12 months.
- C. The captain(s) of the element(s) involved in the pursuit shall appear before the board and provide a synopsis of the pursuit and make recommendations concerning whether the pursuit was conducted within acceptable parameters or if additional investigation is required.
- D. After considering all pertinent information, the PRB shall take one of the following actions:
 - 1. Determine the pursuit was conducted within acceptable parameters and submit the conclusion in writing to the Chief of Police;
 - 2. Determine the pursuit was not conducted within acceptable parameters but that no additional investigation is required and recommend to the Chief of Police a non-disciplinary action; or
 - 3. Determine the pursuit was not conducted within acceptable parameters and direct the commander of the affected employee to conduct a full investigation of the pursuit without determining a final disposition or corrective action. In certain circumstances and at the discretion of the PRB, the chair may direct the PSO to conduct the investigation.

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IX. DISPOSITION OF INVESTIGATION

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- A. Each completed investigation report shall be circulated by the PRB chair to all board members for their review. The chair shall also ensure that the report is circulated to all commanders of employees who are being charged.
- B. The captain of each accused employee's element shall appear before the board at the request of the chair and provide a synopsis of the case, testimony about the work history and disciplinary record of the employee, and recommendations concerning the disposition of the investigation.
- C. The accused employee shall be provided an opportunity to appear before the board in person or may provide a written response to the charge(s). The accused employee may include any mitigating circumstances for the board's consideration. A written notice of the hearing shall be delivered to the accused employee at least 14 calendar days prior to the hearing date. (Refer to Policy 5.01, COMPLAINTS AND INTERNAL INVESTIGATIONS, for a sample notification letter.) If the accused employee elects to appear in person, the employee shall be entitled to have a union representative present.
- D. After considering all pertinent information, the PRB shall submit its recommendation(s) in writing via the Deputy Chief of Police to the Chief of Police.

X. ANNUAL REPORT

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- Every January, the PRB shall complete a report to be submitted to the Chief of Police that includes:
- A. An analysis of all pursuit reports to determine possible patterns and trends;

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- B. A review of pursuit policies and reporting procedures; and
- C. Any recommendations for training and/or policy changes.

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SUSAN BALLARD
Chief of Police

Post on bulletin board for one week

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