

	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> 5/12/2023	<b>POLICY NO.:</b> LAW.14.04
	<b>LAW ENFORCEMENT ADMINISTRATION  POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> SD.23.02, SD.23.05 & Memo Dated: July 1, 2011	
	<b>SUBJECT:</b> MOTOR VEHICLE PURSUITS	Page 1 of 16	

## 1.0 PURPOSE

To establish guidelines in the regulation and manner in which motor vehicle pursuits are initiated and conducted by Law Enforcement Officers (LEOs).

## 2.0 SCOPE

This statewide policy applies to all Department Law Enforcement Officers (LEOs). To the extent that any Sheriff Division (SD), Narcotics Enforcement Division (NED) or Internal Affairs Office (IAO) policies or directives conflict with this statewide policy, LAW.14.04 shall take precedence. If any part of this policy is found to be in conflict with law or otherwise rendered invalid, the remainder of this policy shall be considered severable and remain in effect.

## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References

- a. The Constitution of the United States of America, Fourth Amendment.
- b. The Constitution of the United States of America, Fourteenth Amendment.
- c. Hawaii Revised Statutes (HRS), §286-10, Arrest or Citation.
- d. HRS §353C-2, Director of Public Safety, Powers, and Duties.
- e. HRS §353C-4, Appointment of employees with police powers and other employees.
- f. Department of Public Safety (PSD), Policies and Procedure (P & P), LAW.09.01, Use of Force.
- g. PSD, P & P, ADM.08.11, Critical Incidents Reporting.

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.2 Definitions

- a. Law Enforcement Officer (LEO): Department employees who receive an appointment to a position in which he/she is granted police authority under HRS §353C-4. This shall include Deputy Sheriffs, NED, and IAO Investigators.
- b. Motor Vehicle Pursuit: A motor vehicle pursuit is an active attempt by a LEO operating a department marked vehicle with engaged emergency equipment, to apprehend one or more occupants of another moving vehicle, and the driver of that vehicle is driving their vehicle in a manner that endangers the life of another person. It shall be reasonably apparent that the driver of that vehicle is aware of the attempted apprehension and is resisting by refusing to stop, disobeying traffic laws, or attempting to elude the LEO through evasive maneuvers or tactics.
- c. Authorized Emergency Vehicle: A Department vehicle must be equipped with a roof mounted light bar, siren, and authorized police vehicle insignia. These elements must be present for the vehicle to be considered a marked vehicle.
- d. Primary Unit: The law enforcement vehicle that initiates or continues as the lead vehicle in a pursuit.
- e. Secondary Unit: Any law enforcement vehicle that becomes involved as a backup to the primary unit.
- f. Pursuit Supervisor: The Section Sergeant assigned to the watch and area where the pursuit is initiated. In the Section Sergeant's absence, the Field Supervisor who is notified by the Communications Unit; Capitol Section or the Airport Section shall be designated as the pursuit Supervisor.
- g. Violent Felony: Violent felonies for the purpose of this section are as follows: homicide, robbery with a deadly weapon, kidnapping/unlawful imprisonment, felony assault inflicting great bodily harm or with a deadly weapon.
- h. Clear and Immediate Serious Threat: A threat that is present before the pursuit and which represents a willful disregard by the occupants of the vehicle of the rights and safety of others which reasonably places the public in imminent danger of great bodily harm or death.

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- i. Pursuit Immobilization Technique (PIT): A technique used by LEO(s) to stop a suspect vehicle, by utilizing their authorized vehicle.
- j. High Risk Stop: A high-risk stop is a method of stopping, removing, disarming, and detaining occupants of a vehicle who are believed to be dangerous, violent, and/or armed with a deadly weapon. The high-risk stop utilizes LEOs, cover, and assigned areas of responsibility and structured orders to stop a vehicle and remove occupants while reducing the risk of danger to citizens and the responding LEOs.
- k. Incident Reporting and Notification: Notifications shall be made whenever there is an incident that falls into any of the Priority (I/II) categories and Major Incidents listed and form filled within PSD, P & P, ADM.08.11, Critical Incidents Reporting.
- l. Body-worn Camera (BWC): A department-issued, compact video-recording device worn by a LEO for the purpose of recording interactions with the public.
- m. Superior Officer: A LEO above the rank of sergeant.

.3 Form(s)

- a. PSD 0888, Motor Vehicle Pursuit – Primary / Secondary Unit.
- b. PSD 0889, Motor Vehicle Pursuit – Pursuit Supervisor.
- c. PSD 0155 (07/2015), Incident Reporting and Notification, Major Incident (Priority I/II) Checklist for Notification and Reports.

**4.0 POLICY**

It shall be the policy of the Department that all LEOs conform to all state, federal and local laws in initiating and conducting motor vehicle pursuits in the performance of their duties and to protect the public.

Department policy is to initiate a pursuit only when a LEO has reasonable grounds to believe the offender presents a clear and immediate serious threat to the safety of other motorists or the public, which is ongoing before the pursuit begins, or the offender has committed or is committing a violent felony.

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**5.0 PROCEDURES**

.1 General Considerations

- a. Motor vehicle pursuits are hazardous because of the speeds and intricate maneuvers involved. 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 LEO, the suspect, or the public in the pursuit, the less justification there is for the pursuit.
- b. 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 LEOs. These judgments must reflect each LEO's best efforts to apply training and Departmental guidelines to the situation at hand.
- c. Pursuits must be carried out in accordance with the HRS, and the Directives of the PSD.
- d. LEOs should not engage in pursuits conducted by other (i.e., non-PSD) agencies or jurisdictions without authorization from their respective Field Supervisors.
- e. Vehicles not equipped with department-authorized red and blue lights and sirens shall not engage in motor vehicle pursuits.

.2 Initiation of Pursuit

The red and blue emergency lights and sounding siren shall be used to by a sworn State Sheriff's Deputy or Investigator to command a vehicle to stop. If the targeted vehicle fails to yield to the Law Enforcement Officer's command, a pursuit may be initiated. Unmarked vehicles are generally discouraged from initiating a pursuit. If it is determined that an unmarked vehicle equipped with emergency lights and siren is required to initiate a pursuit in order to apprehend a dangerous criminal or for the safety of the public, a marked police unit shall be requested to respond and take over as the lead vehicle in the pursuit as soon as is practical.

- a. Initiating/Primary Pursuit Unit: A LEO may initiate a pursuit when at least one of the following factors exists:

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1. Reasonable grounds have been established to believe the offender presents a clear and immediate serious threat. The threat must be ongoing and occurring before the pursuit beginning, and reasonably places the public in imminent danger of great bodily harm and/or death;
  2. The offender has committed or is committing a violent felony and allowing escape would put the public in imminent danger of great bodily harm or death; and/or
- b. If one of the factors in subsection 1. above is present, the LEO shall also consider the following factors before initiating the pursuit:
1. The nature of the offense for which the pursuit was initiated,
  2. The current driving behavior exhibited by the offender(s),
  3. The time of day,
  4. Road, weather, and vehicle conditions,
  5. Any other risk presented by the pursuit itself,
  6. Knowledge of the offender's identity, possible destination, and previous activities; and
  7. The risk of harm to others from the offender's escape.
- c. LEOs initiating a pursuit will request assistance as soon as possible.
- d. LEOs involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit.
1. At any time during a pursuit when a LEO or Supervisor determines that the danger to the public or LEO(s) outweighs the need for immediate apprehension, the LEO will immediately discontinue the pursuit.
  2. The decision of a LEO or Supervisor to terminate a pursuit for safety considerations is not subject to review, and the LEO will not be criticized, nor disciplined for that decision.

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3. LEOs initiating/sustaining pursuits are ultimately responsible for the outcome of their actions and compliance with this policy.
  
- e. Before engaging any emergency equipment to affect the stopping of a vehicle, the LEO should attempt to note the license plate number and vehicle description.
  
- f. A pursuit may be initiated with an authorized emergency vehicle if a LEO directs a driver to stop but that driver exhibits intentions of eluding the LEO by being evasive.
  
- g. When a LEO initiates a motor vehicle pursuit, the LEO shall continuously use the flashing lights and siren and shall:
  1. The LEO shall immediately notify Communications by specifically announcing that he/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;
  8. Provide a description of the pursued vehicle's occupants; and
  9. If a hostage is involved, this fact, along with a description and the exact location of the hostage in the vehicle, if known shall be provided.
  
- h. Contact with Communications: The primary LEO is responsible for broadcasting the progress of the pursuit.
  1. The LEO shall provide frequent updates of items 3 to 6 above, particularly when the situation changes (e.g., speed increase or change in location or direction) or the pursuit is prolonged.

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2. Secondary units have a shared responsibility to ensure frequent updates of items 3 to 6 above are provided.
3. 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 Section/Unit.
4. After a supervisor is notified of the pursuit, it may only continue with specific authorization from the Supervisor.
5. LEOs in the field shall monitor the pursuit on their radios.

**.3 Vehicles Involved in Pursuits**

Only marked vehicles equipped with light bar, siren and Department insignia shall engage in motor vehicle pursuits.

- a. Unmarked units shall not actively participate in the pursuit but may monitor the pursuit and be available to assist in the apprehension if necessary.
- b. LEOs with a prisoner in their vehicle will not initiate or join a pursuit.

**.4 Assisting/Secondary Pursuit Units**

- a. Engage all emergency equipment.
- b. Notify Communications of their identity.
- c. Assume radio communications responsibility, allowing the primary unit to devote complete attention to the pursuit.
- d. LEOs will not parallel or caravan a pursuit; however, LEOs may proceed into the area of a pursuit if directed by the controlling Supervisor to assist at the termination point of the pursuit.
- e. Assisting units may also be utilized in the stopping of the pursued vehicle.
- f. No more than two (2) marked vehicles will become actively involved in a pursuit unless specifically authorized to do so by a supervisor.

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- g. Assisting LEOs will be alert to the pursuit progress and location.
- h. LEOs involved in a pursuit will not attempt to pass the primary unit unless instructed to do so by that unit or the primary unit is unable to continue.

.5 Responsibilities

- a. The Communications Section/Unit; Capitol or Airport Lieutenant or their designee shall:
  - 1. Monitor the pursuit closely, and
  - 2. Hold all documents and if recorded; digital/tapes for review by the designated/assigned investigative LEO and/or unit.
- b. Communications: A pursuit shall be handled by the primary dispatcher, who will select the frequency to be used.
  - 1. A multicast broadcast shall be made to notify all available units of the pursuit. The dispatcher shall transmit all available information about the pursuit.
  - 2. The Dispatcher shall obtain authorization from the on-duty Lieutenant to contact and request assistance from the Honolulu Police Department (HPD) for a helicopter unit if available and is deemed appropriate.
  - 3. The primary frequency Dispatcher and LEOs in the field shall monitor the pursuit on their radios.
- c. Supervisory Responsibilities: The initiating pursuit LEO's on-duty Supervisor or, if the On-Duty Supervisor is unavailable, the next available On-Duty Supervisor will be in command of the pursuit.
- d. Upon being notified of a pursuit, the Supervisor shall:
  - 1. Assume command from origination through conclusion;
  - 2. Ensure the pursuit follows this policy;
  - 3. Determine the units that are to participate and shall direct the pursuit;

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4. Ensure that affected public safety agencies are notified;
5. Assist the primary unit with the necessary support requested;
6. When necessary, abandon or direct the Dispatcher to have LEOs abandon the pursuit; and
7. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle.
8. 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.
9. The pursuit Supervisor shall submit an Information Report to the respective Section Commander (Lieutenant) in accordance with section 5.8 of this policy.

.6 Pursuit Tactics

- a. Number of Law Enforcement Vehicles: As a general rule, no more than two (2) Department vehicles shall pursue another vehicle at any time.
- b. LEOs not directed 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: A LEO should not attempt to pull alongside or pass a pursued vehicle; to do so would only place the LEO in a vulnerable position.
  1. The pursuing LEO should remain a safe distance behind the pursued vehicle and keep it in sight until the driver stops voluntarily.
  2. Pursuing law enforcement vehicles should remain at a safe distance from each other.
- d. Stopping a Pursued Vehicle:
  1. LEOs will use caution in employing any high-risk stop procedure.
  2. The Mechanical Tire Deflation System is not authorized.

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3. The Pursuit Immobilization Technique (PIT) is not authorized.
4. A LEO shall not attempt to stop a pursued vehicle by ramming it with his/her vehicle.

e. Roadblocks

1. Generally, a roadblock is justified only when there is probable cause to believe that the suspect represents an immediate, continuing, and serious threat to life.
2. Roadblocks may be established only with the express authorization of the pursuit Supervisor or his/her Superior LEO.
3. Roadblocks should guide the pursued vehicle to an area where it can be contained or controlled. The traffic should not be totally blocked.
4. Reasonable measures shall be taken to ensure that innocent persons are not placed in a position of danger and any vehicle, including the pursued vehicle, is given adequate warning and opportunity to stop safely.

Examples of areas to avoid are immediately after “blind” corners and the crest of a hill.

f. Firearms:

LEOs will not use firearms to disable tires of a vehicle that is being pursued. If a firearm is used, it shall be in strict compliance with applicable laws and directives covering the use of firearms.

g. Body Worn Camera (BWC)

Any LEO 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 LAW.01.18 BODY WORN CAMERAS.

h. Traffic Regulations

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

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**.7 Utilization of Aerial Assistance during Pursuits**

If needed, a request to the HPD or a federal agency, equipped with a helicopter, for assistance shall be authorized by the Section Commander (Lieutenant), Ranking Investigator, or First Deputy, through the respective Division's Administrator and/or designee and is available and deemed appropriate to do so.

- a. Once aerial assistance has responded and has a visual on the pursued vehicle, the Aerial Unit shall be the primary unit and will relay the progress of the vehicle to their ground units.
- b. If the aerial unit can 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.

**.8 Termination of Pursuit**

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

- a. 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.

An assessment of the risks created by the pursuit should include:

1. The 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 LEO(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.

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- b. The primary responsibility for a decision to terminate a pursuit rest with the pursuit Supervisor. The primary unit is responsible for the decision when no Supervisor is available.
- c. When the suspect has been identified with sufficient certainty that apprehension can be affected later.
- d. When the whereabouts of the pursued vehicle are no longer certain.
- e. While Supervisors are charged with the responsibility of terminating a pursuit, this does not preclude any other LEO, including the primary unit, from terminating the pursuit based on his or her knowledge of conditions that are relevant to the pursuit.
- f. Should the HPD helicopter unit be called to assist, 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.
- g. When a pursuit, is terminated, the pursuing LEO(s) shall turn off the vehicle's siren and red and blue lights, reduce the vehicle's speed to the posted speed limit, and attempt to maneuver his or her vehicle out of view of the pursued driver.
- h. Upon the termination of the pursuit, the helicopter will 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.

.9 Motor Vehicle Pursuit Reports and Notifications

- a. An Incident Report on each motor vehicle pursuit shall be prepared by all participating personnel from all the sections/units that were involved in the pursuit (e.g., pursuit Supervisor, primary and secondary units and HPD officers of the Helicopter Section) and reviewed by the respective Section Commander utilizing PSD 0888 and PSD 0889 forms. The reports shall include but not limited to:
  - 1. The reason for the pursuit;
  - 2. The date, start time, and end time of the pursuit;
  - 3. Parties involved; and

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4. Descriptive synopsis of the circumstances of the incident.
    - b. The On-Duty Lieutenant or designee of the Communications Unit (Capitol or Airport Section) shall submit an Incident Report documenting the involvement of the Communications Unit's personnel in the pursuit incident.
    - c. Each report shall be forwarded by the next day after the incident to the Commander or designee of the section where the pursuit began. This Commander is responsible for collecting all the reports and submitting them to the Training and Staff Development Administrator (TSDA) with-in five (5) days from the pursuit. The Commander forwarding the reports to the TSDA 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 TSDA.
    - d. The TSDA shall review the reports and ensure that the pursuit was conducted in accordance with established Department training and policy. Within five (5) business days the TSDA shall forward a set of the reports and transmittal to the Pursuit Review Board (PRB) and Commander of the section where the pursuit began.
    - e. Notifications shall be made whenever there is an incident that falls into any of the Priority (I/II) categories and Major Incidents listed within PSD, P & P, ADM.08.11, Critical Incidents Reporting. Refer to PSD 0155 (07/2015), Incident Reporting and Notification, Major Incident (Priority I/II) Checklist for Notification and Reports for guidance.
      1. A Major Incident (Priority I/II) Checklist for Notification and Reports, PSD 0155 (07/2015), shall be prepared by the section supervisor of the personnel that were involved in the pursuit and reviewed by the respective Section Commander.
      2. The checklist will be included as a coversheet for all Major Incident Reports.
- .10 Jurisdictional Issues
- a. When requested to assist with a pursuit by another agency, the responsible Supervisor will:
    1. Ensure the Department pursuit policy is adhered to; and

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2. Ensure every attempt is made to assist the pursuing agency as resources and safety factors allow. This assistance must remain within the Department policy.
- b. When another public safety agency's pursuit does not meet the standards of this policy, limited Department participation may be provided if resources allow. However, such participation is restricted. Department personnel will not actively participate in the pursuit but may provide the following safety measures:
1. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit;
  2. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved; and
  3. Containment and preservation of the location where a pursuit is terminated.

.11 Pursuit Review Board (PRB)

The PRB shall review all motor vehicle pursuits and recommend a course of action to the Director and Deputy Director for Law Enforcement (DEP-E). The board shall consist of a Lieutenant or designee from three (3) sections to include a Chair, selected by the DEP-E. Two (2) board members constitutes a quorum.

- a. Each member shall serve at least 12 months and one (1) member shall be replaced by the DEP-E each year.
- b. A vice-chair shall be elected by the PRB members, approved by the Chair, and the DEP-E and shall serve a minimum of 12 months.
- c. The Lieutenant of the section where the pursuit began shall appear before the board upon the Chair's request and provide a synopsis of the pursuit and make recommendations concerning the disposition of the review.
- d. After considering all pertinent information, the PRB shall decide whether the pursuit was conducted within acceptable parameters, or an additional investigation is required. If it is determined that the pursuit was conducted within acceptable parameters, the PRB shall submit this conclusion in writing to the Director.

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- e. If required, through the Director and DEP-E, the Division Administrator shall direct the Commander of the affected employee to conduct a full investigation of the pursuit without determining a final disposition or corrective action.
- f. Every January, the PRB shall complete a report to be submitted to the DEP-E and Director that includes:
  - 1. An analysis of all pursuit reports to determine possible patterns and trends;
  - 2. A review of pursuit policies and reporting procedures; and
  - 3. Any recommendations for training and/or policy changes.

.12 Disposition of Investigation

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 the TSDA and all Commanders of employees who are being charged.

- a. The Section Lieutenant and/or same ranking Supervisor of each accused employee's section 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 case.
- b. The accused employee may include any mitigating circumstances for the board's consideration.
- c. After considering all pertinent information, the PRB shall submit its recommendation(s) in writing via the DEP-E to the Director.
- d. When the investigation is completed and it is necessary to schedule a Pre-Disciplinary Due Process Hearing, the Division Administrator shall prepare a letter notifying the accused employee of the date of the hearing and the charges.
- e. As much as possible the hearing shall be scheduled within seven (7) days from the date that the investigation of the charges is complete.

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- f. The Department; Administrative Review Board (ARB); Internal Inspection Office (IIO) shall conduct the Pre-Disciplinary Due Process Hearing.
- g. The accused employee shall be entitled to have a union representative present.
- h. All procedures shall follow the applicable Federal, State, Local Laws, LAW.03.14 Disciplinary Procedures and Internal Investigations, Law Enforcement Standards of Conduct, and the Collective Bargaining Agreement(s).

APPROVED:



05/12/2023

DEPUTY DIRECTOR FOR LAW ENFORCEMENT      DATE



05/12/2023

DIRECTOR      DATE

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