

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS
CHAPTER 401
PATROL OPERATIONS AND PROCEDURES

Effective date: *03/15/24*

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Rescinds: G.O. 401.3 *01/31/24*

Accreditation Standards: *41.2.2*

VEHICLE PURSUITS
G.O. 401.3

I. PURPOSE

To establish procedural guidelines for vehicle pursuits by departmental personnel.

II. POLICY

- A. The Department's primary concern in pursuit situations is the protection of the lives, safety and wellbeing of its officers and citizens it serves.
1. No assignment shall be of such importance and no task shall be expedited with such emphasis that the principles of safety become secondary. There are no tasks in the department of such importance that justify the reckless and negligent disregard for safety, destruction of personal property and the inherent and potential liabilities associated with such endeavors.
 2. Department personnel shall be held strictly accountable for the consequences of their reckless and negligent disregard for the safety of others and the destruction of personal property.
 3. This policy does not relieve an officer from his or her duty to drive with due regard for the safety of all persons, nor does it offer immunity for violating existing laws.
- B. It is the view of the department that pursuits generate risk and danger to the officer and general public to be completely justified. However, there are urgent circumstances when a proper law enforcement response requires a pursuit, which outweighs the degree of risk and danger involved.
1. In general, the more serious the offense and the greater the danger to the general public that the driver and/or occupants(s) represent, the more justification there is for a pursuit. Conversely, the greater the degree of danger to the officer and the general public generated by the pursuit, the less justification there is for a pursuit.
 2. This policy is to be utilized as a guide toward making intelligent and acceptable

decisions on whether or not to initiate or continue a pursuit.

III. DEFINITIONS

SECONDARY UNIT: The second unit that is actively engaged in a pursuit.

EMERGENCY VEHICLE: Any departmental owned or utilized vehicle equipped with blue lights and siren, excluding police transport wagons, park patrol all-terrain vehicles and (3) three wheeled vehicles.

FELONY: Any offense classified as such in the Hawaii Revised Statutes.

PRIMARY UNIT: The lead police unit that is actively engaged in a pursuit.

PURSUIT: An active attempt by a police officer, operating a vehicle, to apprehend one or more occupants of another vehicle when the driver;

1. is aware of the attempt by the police officer to pull him over; and
2. has indicated his choice to escape and evade apprehension/detention by refusing to stop and by operating his vehicle in reckless or grossly negligent disregard for the safety of himself and passengers, the officers in pursuit, and the public.

SUPERVISOR: Watch Commander for District I. The highest-ranking field supervisor on duty in Districts II, III, IV, V and VI.

TRAFFIC OFFENSE: All traffic offenses excluding Driving Under the Influence of Intoxicating Liquor and/or drugs and Reckless Driving.

IV. RESTRICTIONS

- A. Only emergency vehicles shall be authorized to engage in a pursuit.
- B. Officers shall use caution when operating a four-wheel drive vehicle in a pursuit with due consideration to the road and weather conditions and not exceed the speed limit on roads with a posted speed limit of 35 mph or more, except in dire emergency where the question of life or death is eminent.
- C. Emergency vehicles engaged in a pursuit shall continuously utilize both audible (siren) and visual (flashing blue lights) emergency warning device equipment throughout the pursuit.
- D. No more than two (2) emergency vehicles shall be actively engaged in a pursuit.
- E. Officers will adhere to the mandates of Section 291C-26 of the Hawaii Revised Statutes and 10.08.060 of the Maui County Ordinances while engaged in a pursuit.

- F. Units having non-sworn personnel as occupants shall not in any manner participate in a pursuit.
- G. Pursuits shall not be initiated for traffic and non-felony offenses as defined by this general order.
- H. Committing traffic violations to avoid apprehension shall not be justification for continuing a pursuit.
 - 1. If a pursuit is initiated by an unmarked unit which meets the minimum emergency equipment criteria, that unit shall immediately abandon the pursuit once a fully marked police vehicle with overhead emergency lights is in position to assure the primary pursuit responsibilities.

V. PROCEDURES

A. Evaluation

- 1. An officer shall make an evaluation to determine the need for initiating or continuing a pursuit. This evaluation will include consideration of the following criteria:
 - a. Seriousness of the offense.
 - b. Probability of apprehending the responsible at a later time.
 - c. Lighting conditions.
 - d. Weather conditions.
 - e. Traffic conditions.
 - f. Availability of assisting unit.
- 2. The initiation or continuation of a pursuit shall be authorized under the following conditions:
 - a. The pursuit is conducted under the conditions set forth in Article IV of this General Order; and
 - b. The seriousness of the offense and the necessity of immediate apprehension outweigh the level of risk and danger to the officer, the general public and the responsible person being pursued; and
 - c. There is probable cause to believe that the driver and/or occupant(s) committed the offense.

3. Once justification has been met to initiate a pursuit, the supervisor and district's Communications Section shall be immediately notified via police radio with the following information as available:
 - a. Primary unit identification.
 - b. Specific reason(s) for the pursuit, i.e., the specific criminal offense(s) allegedly violated.
 - c. Location, speed and direction of travel.
 - d. Responsible's vehicle descriptions;
 - (1) License plate number, make, model, color and any other recognizable damages or alterations that may be beneficial.
 - e. Number of occupants and their descriptions.
 - f. Traffic, weather or any other conditions that would constitute a safety concern.

B. Primary Unit

1. The purpose of the primary unit is to maintain visual contact with the offender, allowing him to make tactical or driving errors that would lead to his apprehension or realization that further evasion is futile.
2. The primary unit shall obtain authorization from the supervisor to continue pursuit.
3. The primary unit shall be responsible for continually evaluating changing pursuit conditions as they occur.
 - a. In the absence of an assisting unit, the primary unit, if able, shall inform the district's Communications Section of changing pursuit conditions as they occur and of all traffic offenses as they are committed by the driver of the pursued vehicle.
4. If the primary unit abandons or terminates the pursuit he/she shall immediately notify his/her supervisor and Communications Section.

C. Assisting Unit

1. Primary purpose and responsibility is to provide radio communications and render backup assistance to the primary unit.

- a. In maintaining the communications link between the pursuit units and the dispatch center, the following information will be provided:
 - (1) location, speed, and direction of travel;
 - (2) changing road, traffic, and environmental conditions;
 - (3) additional data obtained that identifies the operator or vehicle being pursued; and
 - (4) traffic violations committed by the pursued vehicle.
2. Participation in a pursuit shall be authorized and designated by the supervisor.
3. If the primary unit becomes disabled, the secondary unit shall assume the responsibilities of the primary unit. The supervisor shall be immediately notified.

D. Supervisor

1. The supervisor shall be responsible for the overall direction and coordination of all pursuits coming under his jurisdictional command.
2. Upon notification, the supervisor shall immediately evaluate available information and make necessary inquiries to justify the continuance of the pursuit.
 - a. If the pursuit is justified, the supervisor shall clearly authorize the continuance of the pursuit via police radio.
 - b. The supervisor shall continually evaluate the pursuit until terminated or abandoned. Radio inquiries shall be made to justify the continuance of the pursuit.
 - c. If continuance of the pursuit is authorized, he may designate and assign the nearest field unit as the assisting unit.
 - d. If available information and inquiries do not justify continuing the pursuit, he shall immediately direct the pursuit be terminated.

E. Communications Section

1. The primary purpose of the Communications Section is to receive and record all incoming information, render communication assistance and coordinate inter-district activities relative to a pursuit.
2. The dispatcher shall confirm if the pursuit is authorized with the patrol supervisor.

3. Upon authorization of the supervisor;
 - a. Clear radio channel of non-emergency radio traffic and advise all other units that a pursuit is in progress.
 - b. Shall provide information on the present location of all available emergency vehicle units.
4. Coordinate pursuit assistance under the direction of the supervisor.
5. Control and monitor all radio communications until the pursuit is terminated.
6. Perform relevant record and motor vehicle checks in support of the pursuit.
7. If the pursuit is anticipated to cross into another district, the field supervisor of said district shall be informed of the pursuit and any requested assistance.

F. Emergency Vehicle Operations

1. Units shall pursue at a safe distance that will ensure proper braking and reaction time in the event that the lead or pursued vehicle stops, slows or turns.
2. Units shall not overtake or force the pursued vehicle off the roadway.
3. Units shall avoid intersecting the direction of travel of the pursued vehicle.
4. Units shall not position themselves in front or alongside the pursued vehicle.
5. Operators of units engaged in pursuits shall ensure that all vehicle occupants are properly utilizing installed seatbelt assemblies.
6. In addition to the use of emergency lights and siren as required in this directive, prior to or upon engaging in a pursuit, if possible, the operator should:
 - a. activate headlights and hazard flashers, regardless of lighting conditions;
 - b. turn up the volume of the police radio;
 - c. secure loose objects within the cab of the vehicle;
 - d. turn off the commercial radio.

G. Non-Emergency Vehicle Operations

1. If an initiating unit is not an emergency vehicle, as defined by this general order, the

non-emergency vehicle operator shall attempt to maintain visual contact with the responsible' s vehicle without engaging until a primary unit is assigned and able to engage.

- a. The supervisor shall be informed of the pending pursuit for authorization and the assigning of appropriate units.

H. Abandonment

1. The decision to abandon a pursuit may be the most intelligent course of action. Officers shall continually evaluate whether the circumstances surrounding the pursuit justifies its continuation. A pursuit shall be abandoned when any one of the following criteria are met:
 - a. When the pursuit poses a clear and unreasonable danger to the officer(s), general public, or the person being pursued which outweighs the necessity for immediate apprehension.
 - (1) Increased traffic congestion and/or hazardous roadway and environmental conditions.
 - (2) Vehicle and/or equipment malfunctions.
 - (3) Pursued vehicle's location is no longer known.
 - (4) When directed to abandon the pursuit by a supervisor.
 - (5) When the responsible has been stopped.
 - b. If the responsible is known to be a juvenile and is responsible for a non-violent felony.
2. Once a pursuit is abandoned, the pursuing officers shall turn off their emergency lights and sirens when safe to do so, slow down according to the posted speed limit and cease any actions that may be deemed as continuing the pursuit.

I. Use of Force

1. The use of roadblocks are prohibited.
2. The use of firearms shall be prohibited.
 - a. Under no circumstances shall firearms be discharged from or at a moving vehicle except under circumstances defined in the Use of Force directive.
3. The use of ramming or sideswiping techniques are prohibited.

J. Pursuit Prevention/Termination Technique

1. Tire Deflation Device

When properly utilized, tire deflation devices may bring about the safe resolution of police pursuits under controlled conditions. A Tire Deflation Device causes the controlled release of air from the tires of the target vehicle, thus permitting the driver to remain in control and to bring the vehicle to a stop.

2. Training & Equipment

- a. Only officers that have been trained in the deployment of the Tire Deflation Device are authorized to deploy it in accordance with this policy.
- b. Training will be provided by a designated Instructor and/or Group of Instructors upon implementation. Annual refresher training shall also be conducted during Annual Recall Training.
- c. The Maui Police Department currently utilizes Stop Stick® Ltd. as the only authorized Tire Deflation Devices. Stop Stick® Ltd. models are Stop Stick®, Piranha®, Terminator®, Patrol Terminator® and Barracuda®
- d. Officers are not required to receive training in the use of a tire deflation device. If trained, officers will not be required to use a tire deflation device.

3. Use of an authorized Tire Deflation Device Stop Stick®, Piranha®, Terminator®, Patrol Terminator® and Barracuda®

The use of a Tire Deflation Device as a pre-pursuit tactic should only be utilized under circumstances where the vehicle meets the parameters of an approved pursuit should the vehicle become mobile. When used as a pursuit prevention tactic, the following tactical considerations shall be adhered to:

- a. Use of any authorized Tire Deflation Device is optional;
- b. **Notification to a** Supervisor prior to deployment;
- c. Have a tactical plan (i.e.; ballistic shield, immediate action, less lethal/lethal coverage) should the vehicle not be immobilized; and
- d. Be in a position that does not expose the deployment team from the vehicle and suspect(s).

4. Procedures for deployment of an authorized Tire Deflation Device Stop Stick model

- a. Use of any authorized Tire Deflation Device is optional;

The deploying Officer shall take into consideration the safety of innocent citizens, officers, and whenever possible, those attempting to flee, when authorizing the use of a Tire Deflation Device

- b. Supervisor ***Notification***

Prior to the deployment of an authorized Tire Deflation Device, the Pursuit Supervisor shall be notified of the intention to deploy.

- c. Deploying Officer

(1) Officer(s) deploying the Tire Deflation Device must:

- i. Determine a suitable location estimated to be in the path of the target vehicle;
- ii. Notify the Pursuit Supervisor, Communications, and the pursuing Officers of the exact location the devices are going to be deployed;
- iii. Pursuing officers approaching a known deployment location will lower their speed as necessary to avoid driving over the tire deflation devices;
- iv. Position themselves where sight lines and distances are such that officers can properly observe the target vehicle as it approaches;
- v. Choose a location with some concealing barrier: buildings, natural barrier, or any other type of fixed stationary object. These barriers will be used to conceal the deploying Officer from the target's view and allow deployment of the device from a position of safety;
- vi. Whenever practical, use a police vehicle to block the opposite lane of travel to protect the motoring public from injury. All emergency lighting equipment shall be activated.;
- vii. Retract the tire deflation devices from the roadway surface in an attempt to avoid causing any unnecessary damages

after a target vehicle has successfully driven over the tire deflation devices or driven by the device; and

- viii. Inform the Pursuit Supervisor of the deployment of the Tire Deflation Device during the pursuit and the outcome of the deployment (successful or not successful).

5. Restrictions

- a. Officer(s) shall not deploy a Tire Deflation Device:

- (1) When transporting prisoners or other non-police personnel;
- (2) When fleeing suspects have demonstrated a clear intent to injure officers using the fleeing vehicle or other deadly weapon, unless effective cover is available at the deployment location;
- (3) As a weapon;
- (4) On bridges, in roadway curves, in or around roadway construction, or any location where the deploying officer feels that it would be too dangerous because of vehicular or pedestrian movement;
- (5) To slow or stop any of the following vehicles, unless the use of deadly force would be justified:
 - i. Motorcycle, moped, or any other two- or three-wheeled vehicle;
 - ii. All-terrain vehicle (ATV); or
 - iii. Any truck transporting explosives or other hazardous materials
- (6) ***When the pursuit has been terminated or abandoned by the officer and/or supervisor.***

6. Reporting

- a. The deployment of a Tire Deflation Device shall be clearly described in (at minimum) the Deploying Officer(s)' and Pursuit Supervisor's report.
- b. The Pursuit Supervisor, or his designee, shall also submit a "Stop Stick® - Deployment Report" via the Stop Stick® website (<https://stopstick.com/deployment-report/>) for warranty and/or replacement procedures

- c. Review of the use of a Tire Deflation Device shall be included as part of the Vehicle Pursuit Summary Report, MPD Form No. 222

K. Inter-District/Inter-Agency Pursuits

1. Officers shall not become involved in another district's pursuit unless specifically authorized by the supervisor of the primary unit or RTO Supervisor.
2. Officers shall not become involved in another law enforcement agency's pursuit unless:
 - a. the circumstances under which the other agency initiated the pursuit comply with the guidelines established in this directive; and
 - b. participation of police personnel is authorized by their supervisor.
 - (1) If Maui Police Department officers are authorized to participate in an inter-agency pursuit, the degree of their participation will be strictly controlled and governed by the mandates of this general order.

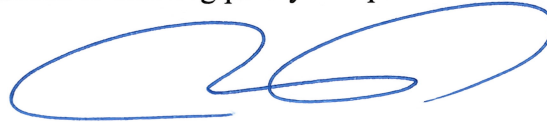
L. Reporting

1. All personnel participating in a pursuit shall prepare and submit a report detailing their assignment and activities via a Supplementary Report. This report shall be required prior to ending tour of duty.
2. The supervisor shall complete and submit the following to the Chief of Police and Bureau Commander via the chain of command. The Chief shall forward the original report to the Research Analyst.
 - a. A Vehicle Pursuit Summary Report, MPD Form No. 222, which will document all assignments, participants, and activities associated with the pursuit;
 - b. A To/From summarizing the pursuit and determining if the pursuit was justified; and
 - c. A copy of the Incident Report.
3. The Communications Section will complete and submit a copy of the running log on all pursuit activities and a copy of the dispatch recordings of the pursuit on compact disk to the Chief of Police.
4. For vehicle pursuits, which result in a Critical Incident, the involved employees shall follow procedures set forth in General Order 103.10.

5. The Research Analyst shall conduct an annual, documented analysis of the pursuit reports.

M. Pursuit Review

1. All pursuits involving police personnel shall be reviewed by the District Commander and the Bureau Commander.
2. The purpose of the review shall be to determine:
 - a. if departmental guidelines are being followed;
 - b. if additional training is required;
 - c. and if modifications to existing policy and procedures are required.



For **JOHN PELLETIER**
Chief of Police