

SETTLEMENT AGREEMENT AND RELEASE

WHEREAS, an action is pending in the United States District Court for the Eastern District of Arkansas styled *Janice Nicole Harper v. Rodney K. Dunn, et al.*, Case No. 4:21-CV-00559-BRW, and a claim is pending before the Arkansas State Claims Commission styled *Janice Nicole Harper v. Arkansas State Police*, Claim No. 211217 (hereinafter referred to as the "Actions"); and

WHEREAS, the plaintiff in the Actions, Janice Nicole Harper, and the defendants in the Actions, Rodney K. Dunn, Alan C. Johnson, Colonel William J. Bryant, the Arkansas State Police, and John Does 1-X (collectively referred to as "defendants" unless the context requires otherwise), desire to compromise and settle the Actions to avoid the costs and uncertainties of continued litigation; and

NOW, THEREFORE, the plaintiff and the defendants agree to the following terms as full and final satisfaction of any and all claims, including any and all claims for costs and attorneys' fees, which were raised by plaintiff in the Actions or could have been raised by plaintiff in the Actions.

1. **ACTION TO BE TAKEN BY DEFENDANT ARKANSAS STATE POLICE.** As soon as practicable following full execution of this Agreement, the Department will remit a check payable to the plaintiff in the amount of \$150,000, via her attorneys, Denton & Zachary, PLLC. Plaintiff understands and agrees that such payment may be subject to legislative approval. Defendants also agree to modify the language to the Arkansas State Police's Law Enforcement Policy Manual Section 13 governing the

Precision Immobilization Technique ("PIT") as reflected on the document attached as Exhibit A hereto.

2. **ACTION TO BE TAKEN BY PLAINTIFF.** Plaintiff agrees to accept the payment and policy changes identified in Paragraph 1 as full and final payment and resolution of any and all claims that were or could have been brought in the Actions and to voluntarily dismiss both of the Actions, with prejudice.

3. **COMPLETE RELEASE AND WAIVER.** Plaintiff hereby waives, releases, relinquishes, and forever discharges the defendants from all claims, liens, or causes of action, known or unknown, arising out of the matters described in the complaint and claim for damages, attorneys' fees, declaratory or injunctive relief, costs, or recovery of any other type against the defendants including any officers, officials, employees, and agents of any defendant, in their official and individual capacities.

4. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement between the parties. The plaintiff and defendants have not relied upon any promise or statement, oral or written, that is not set forth in this Agreement.

5. **MODIFICATION.** The plaintiff and defendants agree that this Agreement may not be modified, amended, or altered except by a written agreement executed by all parties.

6. **VOLUNTARY AGREEMENT.** The plaintiff and defendants acknowledge that each has read this Agreement, that each has had the opportunity to consult with legal counsel of their choosing concerning the advisability, meaning, and

effect of this Agreement, and that each has signed this Agreement voluntarily and without duress.

7. **NO RESCISSION FOR MISTAKE.** The plaintiff and defendants acknowledge that each has had the opportunity to investigate the facts and the law relating to the claims raised in the Actions and any additionally waived and released claims to the extent each deems necessary and appropriate. The plaintiff and defendants assume the risk of any mistake of fact or law and agree that any mistake of fact or law shall not be grounds for rescission or modification of any part of this Agreement.

8. **ACKNOWLEDGEMENT.** Plaintiff and defendants acknowledge that this Agreement was negotiated and agreed upon by both sides, the terms of which will not be construed against either side as the drafter.

9. **CHOICE OF LAW.** This Agreement shall be governed by and construed in accordance with the substantive law of the State of Arkansas.

10. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon the plaintiff and defendants and each of their respective heirs, descendants, successors, and assigns.

11. **EFFECTIVE DATE.** This Agreement shall become effective upon the date it is executed by all parties.

12. **EXECUTION.** The persons executing this document assert that they are authorized to do so by the party or parties on whose behalf they purport to act.

13. **COUNTERPARTS.** This Agreement may be executed in counterparts and the counterparts, taken together, will have binding effect.

PLAINTIFF JANICE NICOLE HARPER

By: Jan Harper

Date: 11-16-2021

Attorney: [Signature]

~~DEFENDANT WILLIAM J. BRYANT~~

~~By: _____~~

~~Date: _____~~

ARKANSAS STATE POLICE

By: William J. Bryant

Date: 11/19/21

VEHICLE PURSUITS

I. Purpose

The purpose of this policy is to outline the policy and procedures that should be followed regarding pursuit operations.

II. Definitions

For purposes of this policy, the following definitions apply:

A. Authorized Emergency Vehicle

A vehicle issued by the department that is equipped with emergency lights and siren and operated by an Arkansas State Police officer.

B. Due Regard

Defined by the Arkansas Supreme Court as “the duty to exercise ordinary care for the safety of others using the street.” (*see City of Little Rock v. Weber*, 298 Ark. 382, 767 S.W.2d 529 (1989); *City of Caddo Valley v. George*, 340 Ark. 203, 9 S.W.3d 481 (2000))

C. Fleeing

Refer to Ark. Code Ann. §5-54-125.

D. Primary Unit

The officer who is closest to the fleeing vehicle.

E. Secondary Unit

The second officer to engage in a pursuit, whether upon the request of the primary unit or a supervising officer.

F. Supervising Officer

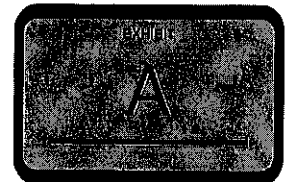
The officially designated officer-in-charge.

G. Third Unit

The requested or assigned third unit.

H. Vehicle Pursuit

An attempt by an ASP officer in an authorized emergency vehicle to stop a moving vehicle when the driver is aware the officer is signaling the motorist with emergency



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equipment (blue lights and siren) to stop and he/she disregards the officer and continues driving.

III. Pursuit Guidelines

A. The following guidelines are intended to assist officers in making sound decisions regarding pursuits:

1. When involved in a pursuit the officer has the duty to drive his/her vehicle in accordance with Arkansas law with **due regard for the safety of all persons**. (See A.C.A. §§ 27-36-303, 27-37-202, 27-49-109, 27-49-114, 27-51-202, 27-51-204, 27-51-901, 27-51-906 for additional information.)
2. No more than three (3) units should be committed to a pursuit unless there are extenuating circumstances or the primary unit or a supervising officer specifically advises that additional units are needed to safely effect the arrest of the suspect(s).
3. Officers in low profile vehicles (partially marked), or unmarked emergency vehicles, should turn over primary unit status upon the arrival of a marked secondary unit.
4. Only authorized emergency vehicles shall engage in pursuits. The emergency lighting equipment and siren shall be in operation at all times during the pursuit.
5. Officers involved in pursuits should use their unit number with all radio transmissions and should communicate on the same radio frequency.
6. Officers shall not engage in pursuits when transporting persons other than commissioned officers unless those persons have an approved Release of Liability form (ASP 113) on file.
7. Officers shall turn over pursuit operations as soon as possible to another authorized emergency vehicle if transporting persons other than commissioned officers. (See the Department's Vehicle Use Policy (DPS 501) for additional details.)
8. Vehicles operated by non-commissioned personnel shall not engage in pursuits.

B. Primary Unit Responsibilities

When a primary unit initiates a pursuit, he/she is responsible for advising the communications center of the following:

1. Unit identification;



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2. Location, direction of travel, speed, and traffic volume;
3. Any hazardous conditions, if possible;
4. Description of the fleeing vehicle and license number, if known;
5. Description of the suspect driver, if known;
6. Reason for the pursuit, including crimes or violations committed; and
7. Additional crimes committed during the pursuit.

C. Secondary Unit Responsibilities

The acknowledged or assigned secondary unit shall advise the communications center of its involvement upon joining the pursuit. The secondary unit shall be primarily responsible for radio communications so that the primary unit can devote full attention to the fleeing vehicle. The secondary unit shall replace the primary unit in the event the primary unit cannot continue the pursuit.

D. Third or Subsequent Unit Responsibilities

A third unit, and/or additional units if an assignment or request was made, shall have the following responsibilities:

1. Replace either of the first two units if one of them is unable to continue the pursuit;
2. Discontinue the pursuit and render aid in the event of a collision involving third parties or to recover evidence; and
3. Be in a position at the point of pursuit termination to implement a felony stop, containment, apprehension of fleeing suspects, or to provide traffic control as necessary.

E. Backup Unit(s) Responsibilities

Other units in the pursuit area should monitor the progress of the pursuit. They should not engage in the pursuit unless requested to do so by the primary unit or directed to do so by a supervising officer. These units should be ready to replace any assigned unit in the event the assigned unit cannot continue the pursuit. They should also be able to respond to any collision that may result from the pursuit. Backup units should be



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available to assist in the apprehension of the suspect(s) at the termination of the pursuit or provide traffic control.

F. Supervising Officer Responsibilities

Once a supervisor has been notified of a pursuit, he/she assumes command of the pursuit.

1. The supervisor should monitor and continually assess the situation.
2. A supervisor shall continue supervisory command of a pursuit until it has ended.
3. The supervisor shall continually guide and coach the pursuing officer(s) throughout the pursuit and ask pertinent questions regarding evolving circumstances.
4. The supervisor should remind the pursuing officer(s) of the procedures to consider during the pursuit.
5. In situations when no supervising officer is on duty when a pursuit occurs, the involved officer(s) may proceed with the pursuit in accordance with this policy.

G. Communications Center Responsibilities

The communications center should immediately broadcast available information concerning a pursuit to local units, designate the radio frequency to be used during the pursuit, and follow departmental procedures for the use of emergency traffic status. Pursuit communications should be considered priority.

1. If possible, the communications center shall advise the on-duty or on-call supervisor of an ongoing pursuit.
2. Initiation or any change of supervisory command should be communicated to all involved units.
3. Through available data/information, the communications center should attempt to obtain information concerning the identity of the driver and to determine ownership of the vehicle.
4. When a pursuit approaches or occurs in a municipal jurisdiction, the communications center shall notify the affected jurisdiction.



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5. When a pursuit extends into or approaches an adjoining Troop, the controlling communications center should transfer the pursuit to the newly affected Troop as soon as practical.

H. Opposing Direction of Traffic Pursuits

1. Absent exigent circumstances, officers should not proceed in an opposing direction, on a divided highway, freeway, freeway access, or one-way street. Officers should obtain supervisor approval before proceeding in an opposing traffic direction. Supervisors shall cautiously consider traffic volume and hazards, severity of the crime, and the need for immediate apprehension before authorizing an officer to proceed.
2. Officers should not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.

I. Pursuits into Another Jurisdiction or Troop

When a pursuit extends into a municipal jurisdiction or adjoining Troop, the pursuing officers may turn over the pursuit to a local officer, if available, and advise the communications center that their involvement has been terminated.

J. Out of State Pursuit

Laws in Oklahoma, Missouri, Mississippi, Tennessee, Texas, and Louisiana provide for ASP officers in pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony to continue pursuing into their state. Officers making a felony arrest in another state shall take the arrestee, without unnecessary delay, before a magistrate of the county in the state in which the arrest is made.

K. Other Agency Pursuits

1. Absent exigent circumstances, officers should not become the primary pursuing officer involved in pursuits initiated by another agency without approval from the on-call/on-duty ASP supervisor.
2. ASP officers engaged in other agency pursuits shall adhere to this ASP pursuit policy.



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3. ASP officers shall terminate their involvement in the pursuit if the initiating agency's actions violate federal or state law.
4. Prior to authorization, an ASP supervisor receiving a request for assistance with a pursuit initiated by another agency should confirm relevant factors that would be collected from a pursuing officer in an ASP-initiated pursuit.
5. **Troop Commander Coordination with Other Law Enforcement Agencies**
 - a. Troop Commanders shall provide the department heads of all law enforcement agencies within their respective troops a copy of the ASP Pursuit Policy.
 - b. Troop Commanders should also obtain copies of the pursuit policies of all law enforcement agencies within that troop.
 - c. When possible, troop commanders should engage in discussions with the heads of all law enforcement agencies within their troop and establish a plan for the interaction of the agencies during pursuit situations.

L. Initiation and Termination of a Pursuit

1. Officers should exercise discretion in deciding whether to initiate a pursuit.
2. Decisions to initiate a pursuit should include consideration of the totality of the circumstances, including but not limited to:
 - a. The nature of the offense;
 - b. The time of day;
 - c. An evaluation of hazardous conditions;
 - d. Geography;
 - e. Familiarity with the area;
 - f. Types of official vehicles involved; and
 - g. The actions of the fleeing driver.
3. The decision to terminate a pursuit can be made by the primary unit or ordered by a supervisor at any time during the pursuit.



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4. Factors to consider in determining when to terminate a pursuit should include the following:
 - a. The officer or supervisor believes that the danger created by the pursuit outweighs the need for immediate apprehension of the suspect;
 - b. The offender is known;
 - c. A supervisor orders the pursuit terminated;
 - d. The officer loses visual contact with the fleeing vehicle for an extended period;
 - e. The officer's lack of familiarity with the area and his/her ability to accurately relay to communications the location and direction of the pursuit;
 - f. Road conditions, traffic congestion and construction zones; or
 - g. Environmental factors such as rain, fog, ice, snow, lighting conditions that would substantially increase the danger of the pursuit.
5. Whenever an ASP vehicle experiences mechanical breakdown or equipment failure during a pursuit, the unit should terminate its involvement in the pursuit.
6. When an ASP vehicle is involved in a crash during a pursuit with an occupied vehicle, or a crash that may involve bodily injury, the involved officer shall stop and render aid.
7. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.
8. Upon pursuit termination, officers may follow the suspect vehicle's predicted route of travel at routine patrol speeds with emergency equipment deactivated.

IV. Methods of Forcible Stop

A. Intentional Intervention

1. For purposes of this policy, "Intentional Intervention" means the use of an ASP vehicle to intentionally cause a collision with another motor vehicle for the purpose of functionally damaging or forcing the other vehicle off the road. A Precision Immobilization Technique (PIT) falls within this definition.



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2. The speed of a pursuit is a factor that should be evaluated continually by the ASP pursuing officer and commanding supervisor whenever the application of an Intentional Intervention tactic is being considered.
3. The use of Intentional Intervention must be justified and reasonable based on the totality of the circumstances.

B. Roadblocks

1. A roadblock is a barricade using vehicles or other obstructions, excluding the hollow spike strip, across a roadway set up to stop or prevent the escape of a fleeing vehicle.
2. Roadblocks may be used to stop a fleeing vehicle when objectively reasonable to do so, provided:
 - a. A description of the suspect(s) and suspect vehicle is available (the description must be adequate for proper identification).
 - b. Unless Deadly Physical Force is justified, the roadblock must be plainly visible to the operator of the fleeing vehicle from a distance that would allow the operator of the fleeing vehicle to safely stop before reaching the roadblock.
 - c. Supervisory approval is obtained, when possible.

C. Hollow Spike Strip

1. Pursuing officers should keep officers at the site of the spike strip informed of the following:
 - a. Location by milepost or cross-street.
 - b. Direction of travel and speed.
 - c. Erratic driving behaviors.
 - d. Possible weapons involved.
 - e. Any other data pertinent to the pursuit.
2. When deploying a hollow spike strip, the following precautions should be considered:



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- a. The officer deploying the spike strip should do so from a position of hard cover. Examples of hard cover include but are not limited to bridge and overpass supports (patrol units or other vehicles are not considered hard cover).
- b. During high-speed pursuits, the spike strip should not be used in locations where specific geographic configurations increase the risk of serious injuries to innocent members of the public, the officer, or the violator (alongside of rivers, embankments, etc.).
- c. Effort should be made to stop oncoming traffic some distance from the actual deployment site before deploying a spike strip on two-way roadways.
- d. The spike strip may be used to stop fleeing motorcycles only when Deadly Physical Force is justified.
- e. Absent exigent circumstances, spike strips should not be used for trucks carrying hazardous materials or vans/buses occupied by passengers who appear to be victims.

D. Precision Immobilization Technique (PIT)

1. The Precision Immobilization Technique (PIT) is a method to reduce risks to the public by concluding pursuits. PIT is a forced rotational vehicle stop of a suspect vehicle to end the suspect's flight.
2. ~~Except when it is objectively reasonable to protect an officer or a third person from imminent death or serious physical injury, PIT should not be utilized on trucks carrying hazardous materials, pickup trucks with passengers in the bed of the truck, vans or buses occupied with passengers who appear to be victims, or motorcycles.~~ The PIT maneuver should only be utilized when an ASP officer believes it is objectively reasonable to protect a third person or an officer from imminent death or serious physical injury or when an ASP officer objectively believes other exigent circumstances exist (i.e. using the PIT maneuver to conclude a pursuit subsequent to the deployment of Hollow Spike Strips).
3. ASP officers should evaluate these added risks associated with the speed of both the fleeing vehicle and the ASP patrol vehicle prior to attempting a PIT maneuver:
 - a. Run-out room needed for both suspect and patrol vehicle;



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- b. Evasive driving tactics employed by the suspect;
 - c. Patrol vehicle limitations;
 - d. Environmental and weather conditions;
 - e. Officer confidence in performing a PIT maneuver; and
 - f. Site location with consideration to the risk of other vehicular and/or pedestrian traffic, as well as geographic configurations and/or urban settings that may increase the risk of serious injuries to innocent members of the public, the officer, or the violator, (i.e., two-lane roadways adjacent to waterways, wooded areas, residential or business districts, school zones, etc.)
4. Regardless of the speed, ASP officers utilizing a PIT maneuver should continually consider their ability and confidence to safely execute the maneuver in a manner consistent with their training of the technique to reduce the danger of serious physical injury or death to innocent members of the public, the officer, and the suspect.
 5. The pursuing officer(s) shall not be required to perform a PIT minus exigent circumstances.
 6. Each marked ASP patrol vehicle shall be equipped with a PIT bumper.

E. Spin and Pin

1. The Spin and Pin is a technique used after a successful PIT maneuver to “pin” the violator and prevent fleeing.
2. This technique requires two units that will allow them to pin the violator’s vehicle from the front and the rear.
3. This method should not be used on violators who are known to be armed or have a high potential of being armed.
4. Officers must use extreme caution due to the potential for “cross-fire.”
5. Clear communication should be established between the two units before executing the “Spin and Pin.”



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6. The unit conducting the PIT maneuver should be responsible for executing the “Spin and Pin.”

F. Boxing Technique

1. The Boxing Technique is a method typically used to end a slow vehicle pursuit or halt a vehicle failing to yield. This will allow the pursuing units to “Box In” the violator’s vehicle to bring him/her to a stop.
2. This method should not be used on high-speed pursuits unless exigent circumstances exist.
3. Examples of this technique include but are not limited to: a teenager that won’t pull over, an intoxicated driver, a driver suffering from a medical emergency that is not cognizant of his/her actions, etc.
4. Clear communication should be established between all three units and the primary unit should be responsible for executing the Boxing Technique.

V. StarChase GPS Pursuit Management System (StarChase)

StarChase is a vehicle mounted compressed-air system containing two GPS tracking tags. The StarChase system is controlled and deployed via an operator’s console mounting inside the patrol vehicle and has a target laser with up and down elevation aiming control. The system can also be deployed via a remote key FOB (remote control). The deployment of the StarChase System is not considered a use of force.

- A. Before utilizing the StarChase System, all StarChase operators shall be trained on the proper use of this system.
- B. The StarChase System shall be checked/tested at the beginning of each shift.
- C. The StarChase GPS tracking tag shall only be deployed for the purpose of apprehending a fleeing suspect.
- D. The system shall not be used for extended surveillance or intelligence gathering.
- E. The StarChase system shall be deployed when the officer reasonably believes the system’s deployment constitutes less of an immediate threat to public safety, law enforcement officers, and/or the offender than a pursuit.



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- F. StarChase may be deployed on a vehicle already being pursued or one which poses a potential threat of unlawful flight from law enforcement.
- G. The following items shall be considered when making the decision to deploy the StarChase system:
 - 1. The safety of other law enforcement personnel, uninvolved persons, and persons inside the target vehicle.
 - 2. Whether the deploying officer can safely maneuver his/her patrol vehicle close enough to the fleeing vehicle to be within targeting range.
 - 3. Whether the deploying unit can safely pass any authorized primary or secondary pursuit vehicle involved in the pursuit.
 - 4. Whether any circumstances would inhibit the device's operational functionality (e.g., weather conditions, suspect vehicle weaving).
- H. **The StarChase system shall not be deployed on motorcycles, mopeds, ATV's or persons unless deadly force is authorized.**
- I. The StarChase system should not be deployed in the following situations, unless the suspect poses a substantial risk to the public:
 - 1. During heavy rain.
 - 2. While driving on exceptionally rough terrain.
 - 3. When pedestrians are between or very close to the suspect vehicle and the StarChase equipped patrol vehicle.
- J. After a successful deployment of a StarChase tag, the Primary unit shall attempt to notify the on-duty supervisor and the communications center. Once the communications center has confirmed an active signal and the decision has been made to terminate the pursuit, the deploying officer shall:
 - 1. Disengage in the active pursuit and emergency response equipment;
 - 2. Follow instructions from the on-duty/on-call supervisor to deploy assets necessary to apprehend the suspect; and



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3. In the event there is not a supervisor available, the pursuing officer should use good judgement in determining whether to continue pursuing the suspect or discontinue and move units towards the tracking location.
- K.** If the need to apprehend the suspect outweighs the danger of continuing the pursuit, or immediate apprehension is warranted following the deployment of a StarChase tag, the pursuing officers shall determine the need to continue active pursuit in accordance with this policy.
- L.** ASP personnel shall only disclose GPS data obtained by the system to law enforcement personnel for official use and only with a legitimate investigatory need during an active event.
- M. Deployed StarChase Tags**
1. After the deployment of the StarChase system, and following the conclusion of the event, photographs should be taken of the deployed device and of the deployment area on the vehicle.
 2. The StarChase tag should be recovered from the vehicle as soon as the situation safely allows.
 3. Deployed StarChase tags shall be taken to the local Troop Headquarters.
 4. The deployed tags should be mailed back to StarChase and reloaded.
 5. Photographs shall be retained and uploaded into the appropriate reporting system for evidentiary purposes.
- N. Reporting**
1. An ASP 21 and an incident report shall be completed. The ASP 21 and the incident report shall indicate the StarChase deployment in the narrative. Any damage to the suspect's vehicle shall be noted on the incident report.
 2. All personnel issued a StarChase System shall be required to complete four (4) hours of refresher training annually.
 3. In the event of an accidental StarChase System deployment, the operator shall document the deployment on a memo forwarded through the chain of command to the Highway Patrol Division Administration.



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O. Communications Center Responsibilities

1. Once the Communications Center receives an active signal, he/she shall inform the pursuing officer and the on-duty/on-call supervisor that they are actively tracking the suspect vehicle.
2. The Communications operator shall continue monitoring the suspect's route and provide real-time updates to the pursuing officers and local law enforcement who are assisting in the apprehension of the suspect(s).

VI. Reporting and Investigations

- A. After a pursuit, the primary officer shall complete a Pursuit Report Form (ASP 21), an ASP Incident Report, and a Use of Force Report (ASP 22) if applicable. All other involved officers shall complete a memorandum detailing their involvement in the pursuit which shall be attached to the primary officer's complete pursuit report.
 1. The report should be reviewed by the primary officer's immediate supervisor.
 2. After the immediate supervisor reviews and approves the pursuit report and all attachments, the pursuit packet will be forwarded to the Troop Commander for review and approval.
 3. The Troop Commander will sign the (ASP 21) after approval.
 4. The ASP 21, the Incident Report, the Use of Force Report (ASP 22) if applicable, and the other involved officers' memorandums should be forwarded through the chain of command to the officer's Division Commander within ten (10) working days for review.
 5. Following review by the Division Commander, the pursuit packet shall be forwarded to the Office of Professional Standards for retention.

B. After Action Review



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1. Whenever a pursuit occurs in a troop, the involved ASP officer(s) and their supervisor(s) will participate in an After-Action Review to critique the pursuit as soon as practical.
 2. During the session, a constructive assessment of the pursuit, which emphasizes both the positive and negative aspects, will be discussed and documented on a memorandum for training purposes.
 3. Videos of pursuits that depict significant officer safety issues or other dangerous/critical situations that would be beneficial for training purposes should be forwarded to each troop to be shared with all ASP officers.
 - a. It will be the responsibility of each Troop Commander to share the videos with the officers under their command.
 - b. The purpose of this procedure is to train officers in positive and negative techniques, show the dangers of pursuits, and enhance all ASP officers' critical thinking and decision-making skills.
 4. In consultation with the supervisor of the pursuit, if a Troop Commander feels that additional or remedial training is needed for the pursuing officer(s), ASP training staff will be contacted. ASP training staff will schedule the required training as soon as possible.
- C. When use of force with a vehicle is used during the pursuit, as defined in Use of Force policy (LE SEC 10), the involved officer(s)' information will be captured on the primary officer's ASP 21. An ASP 22 will not be required for vehicle use of force.**
- D. If an officer involved in the pursuit uses physical force after the pursuit has ended, it will be documented on the primary officer's pursuit report and an ASP 22 will be completed by each officer that used physical force in accordance with LE SEC 10.**
- E. Pursuits that result in death, bodily injury, or damage to property**
1. The appropriate Highway Patrol Division Commander shall be notified immediately of any pursuit that results in death, bodily injury, or damage to property.
 2. **Death or Serious Physical Injury in Pursuits**



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When a pursuit results in a death or serious physical injury, the following requirements will apply:

- a. Officers involved in the use of ~~intentional intervention techniques~~ incident that resulted in death or serious physical injury will be placed on Administrative Leave in accordance with the procedures in the ASP Reporting and Investigating Use of Force Policy (LE SEC 11).
 - b. CID shall investigate the use of the intentional intervention techniques and forward the case file to the prosecutor for review.
 - c. In accordance with the Critical Incident Testing section of the Department's Drug, Alcohol, and Tobacco Free Workplace Policy (DPS 110), critical incident testing will be required for each involved officer.
 - d. The ASP Reconstruction Team will respond to the scene to conduct an investigation/reconstruction of the event when intentional intervention was used that resulted in a death or serious physical injury.
- F. If the Troop or Division Commander believes that a specific policy was violated, the Commander should initiate the administrative inquiry process in accordance with the DPS Disciplinary Matters policy (DPS 112) and the ASP Disciplinary Matters Directive (2020-001).

