Vehicle Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

308.1.1 DEFINITIONS

Definitions related to this policy include:

Vehicle Pursuit: An attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

Police Vehicle: Vehicles utilized by officers for law enforcement, equipped with emergency lights and siren.

Supervisor: The recognized supervisor for the pursuit.

Primary Unit: The police vehicle that is closest to the fleeing vehicle. The primary unit should be a fully marked police vehicle with overhead lights.

Secondary Unit(s): Any police vehicle(s) directly assisting the primary unit.

Terminate: Discontinuing the pursuit of a fleeing vehicle. Upon discontinuing, police vehicles shall obey all traffic laws and turn off emergency lights and sirens.

308.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

308.3 LIMITATION FOR INITIATING A PURSUIT

Officers are not authorized to initiate a pursuit unless the following criteria exist (RCW 10.116.060):

(a) Reasonable suspicion exists to believe that a person in the vehicle has violated a law (other than the eluding itself).

(b) The pursuit is necessary for the purpose of identifying or apprehending the person.

(c) The person poses a threat to the safety of others, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit under the circumstances

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308.3.1 INITIATING A PURSUIT

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider (RCW 10.116.060):

(a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.

(b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.

(c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day,and road and weather conditions.

(d) The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.

(e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).

(f) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages, minors).

(g) Whether the pursuing units are carrying passengers other than on-duty police officers. Pursuits shall not be undertaken with any non law-enforcement passengers to include arrestee's or ride-along's.

(h) The availability of other resources such as air support or vehicle locator/deactivation technology.

308.4 PURSUIT UNITS

The number of units directly involved in the pursuit should be no more than four vehicles unless the circumstances require more units. This number does not include those vehicles providing traffic control, perimeter, or not involved in the pursuit.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

308.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by law. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and

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should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

308.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, police department motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

308.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themselves or others.

The primary pursuing officer shall notify a supervisor immediately upon initiating a vehicle pursuit. The officer and the supervisor shall consider alternatives to the vehicle pursuit, as well as the justification for the pursuit, and other safety considerations (RCW 10.116.060).

As soon as practicable, the primary unit shall notify What-Comm of the pursuit, request priority radio traffic, and provide appropriate information including:

(a) The location, direction of travel, and estimated speed of the pursuit.

(b) The description of the fleeing vehicle, including the license plate number, if known.

(c) The reason for the pursuit.

(d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).

(e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.

(f) The suspected number of occupants and their identities or descriptions and any known presence of minors.

(g) The weather, road, and traffic conditions.

(h) The need for any additional resources or equipment.

(i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

308.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

(a) Notifying What-Comm of their entry into the pursuit.

(b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

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(c) Identifying the need for and requesting additional resources or equipment as appropriate.

(d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

308.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

(a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.

(b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.

(c) Pursuing units generally should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:

1. Request assistance from available air support.
2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the fleeing vehicle.

(d) Pursuing units shall request that What-Comm notify other law enforcement agencies if it appears that the pursuit may enter its jurisdiction.

(e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

308.5.1 RULES OF THE ROAD

Officers shall drive with due regard for the safety of all persons and property. However, when in pursuit, if there is no unreasonable risk to persons and property, officers may (RCW 46.61.035):

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing direction of movement or turning in specified directions.

308.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the police department vehicle.

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308.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

The shift supervisor of the officer initiating the pursuit, or if unavailable, the nearest shift supervisor, will be responsible for (RCW 10.116.060):

(a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.

(b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.

(c) Confirming that no more pursuing units than required are involved in the pursuit.

(d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.

(e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.

(f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.

(g) Verifying that the proper radio channel is being used.

(h) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.

(i) Continuing the management and control of Bellingham Police Department units when a pursuit enters another jurisdiction.

(j) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

308.6.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift supervisor shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift supervisor has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

308.7 WHAT-COMM

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

308.7.1 WHAT-COMM RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

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(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

308.8 INTER-JURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor shall ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Bellingham Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

308.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officer(s) should not join pursuits being conducted by other police agencies, unless the agency requests Bellingham Police assistance or the pursuing agency has only a single unit in the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Bellingham Police Department, the Shift supervisor or supervisor should review the request as soon as practicable, taking into consideration:

(a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.

(b) Whether there is adequate staffing to continue the pursuit.

(c) The available units' capabilities to maintain the pursuit.

(d) The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency

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coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

308.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

As soon as practicable after initiating a pursuit, the primary pursuing officer and supervisor, if available, shall develop a plan for the termination of the pursuit using available intervention options (RCW 10.116.060).

308.9.1 FIREARMS

A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this policy, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

308.9.2 PURSUIT PREVENTION

Vehicle Pinning is the deliberate, measured application of positive pressure against a vehicle by a police vehicle, with the intent of preventing the vehicle from moving or fleeing from the police vehicle. Vehicle Pinning can be used by officers in situations where they determine, based upon the totality of circumstances, that it is the best tactic for pursuit prevention. In some circumstances, Vehicle Pinning could be used as a method of Intentional Intervention (see below).

Officers using Vehicle Pinning should establish that they have the legal authority to perform this act, as Vehicle Pinning is considered a seizure. Officers should be in vehicles equipped with emergency lights and should, at the appropriate time, active emergency lighting.

Spike Strips, Piranhas, or other improvised tools may be used as part of pursuit prevention and should be deployed in a manner consistent with these tools (see below).

Under most circumstances, a Police Traffic Collision Report (PTCR) will not be completed for Vehicle Pinning.

The use of Vehicle Pinning on a stationary vehicle is not considered a use of force.

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There are six methods of intervention: (1) Precision Immobilization Technique; (2) Spike Strips; (3) Grappler Police Bumper tool; (4) Intentional Intervention; (5) Roadblocks; (6) Boxing-in.

308.9.3 INTERVENTION STANDARDS

There are six methods of intervention: (1) Precision Immobilization Technique; (2) Spike Strips; (3) Grappler Police Bumper tool; (4) Intentional Intervention; (5) Roadblocks; (6) Boxing-in.

(a) The Precision Immobilization Technique (PIT) is a method of forcible stop used to bring pursuits to a conclusion. PIT is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flights and to ensure public safety. The PIT shall not be used on motorcycles unless deadly force is justified. The PIT can be used over 40 MPH under the same requirements as stated below, however, it could be considered a use of deadly force. Only those officers trained in the use of the Precision Immobilization Technique will be authorized to use this procedure. Officers should use the following considerations when considering the use of the Precision Immobilization Technique:

    (a) Officers need to be aware of the environment and should give special consideration to sight assessment. Sight assessment includes: blind curves, bridge abutments, major obstacles or road shoulders, oncoming traffic, and pedestrians and bicyclists.

    (b) Weather conditions that may negatively affect conducting a successful PIT.

    (c) The availability of back-up and location of assisting officers.

    (d) Whether the suspect vehicle has all four tires inflated or if the suspect's vehicle tires have been compromised by the use of the spike strip.

    (e) The body and frame of the suspect vehicle, relative to the officer's vehicle.

(b) Spike strips (Stop Sticks) should be used when the officer(s) believe it would be effective in application and can be deployed with limited risk to the officer(s). Officer(s) will only deploy the spike strips when they are in communication by radio with pursuing officers. They will also advise the pursuing units where and when the spike strip is deployed. The supervisor will be notified as soon as practical that the spike strips have been deployed. Spike strips are not considered a forcible stop.

(c) Grappler Police Bumper is a tool used to forcibly stop the tire rotation of a vehicle in an effort to bring pursuits to a conclusion. The grappler net is deployed from a patrol vehicle and utilizes a tethered snag maneuver by encircling the vehicle's tire accomplishing a prompt controlled stop in an effort to end the suspect's flight and ensure public safety. The Grappler shall not be used on two or three wheel vehicles unless deadly force is justified. The Grappler can be used over 70 MPH under the same requirements as states below however, it could increase the likelihood of loss of control and could be considered the use of deadly force. Only those officers trained in the use of the Grappler will be authorized to use this tool. Officer should use the following considerations when considering the use of the Grappler tool:

    1. Officers need to be aware of the environment and should give special consideration to sight assessment. Sight assessment includes: blind curves,

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bridge abutments, major obstacles or road shoulders, oncoming traffic, and pedestrians and bicyclists.

2. Weather conditions that may negatively affect conducting a successful Grappler deployment.
3. The availability of back-up and location of assisting officers.
4. Whether the suspect vehicle has all four tires inflated or if the suspect's vehicle tires have been compromised by the use of the spike strip.
5. The body and frame of the suspect vehicle, relative to the officer's vehicle.

(d) Intentional Intervention is the deliberate striking of another vehicle with a patrol vehicle(s) for the purpose of mechanically stopping the fleeing suspect vehicle. In some circumstances, the use of intentional intervention could be considered use of deadly force, and is a method of forcible stop.

(e) Roadblocks are the use of vehicles or other roadway obstruction that prevents the escape of a fleeing vehicle. It can only be used after approval is obtained from the supervisor. Because roadblocks involve a potential for serious injury, death and serious property damage it should only be used in the following circumstances: when the suspect(s) are involved in a violent offense or when the supervisor believes the suspect poses a significant threat of death or serious physical injury to the officer or others. Roadblocks are considered a forcible stop.

(f) Boxing-in is a tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. Boxing-in can be used by officers in situations where they determine it is the best tactic to safely stop a vehicle. Depending upon speeds involved, boxing-in could be considered a forcible stop.

308.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

(a) A supervisor directs the pursuit to be terminated.

(b) The location of the fleeing vehicle is no longer known.

(c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.

(d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

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308.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

308.11 REPORTING REQUIREMENTS

A pursuit will not in itself be considered a Use of Force. Any use of a forcible stop will be considered a use of force and will be documented as such and reviewed accordingly. A Police Traffic Collision Report (PTCR) will be completed post-pursuit only if the fleeing vehicle collides with other property during the pursuit.

If a pursuit or forcible stop results in the serious injury or death of anyone involved, mutual aid shall be requested from an outside law enforcement agency for an investigation of the pursuit or forcible stop.

All officers involved in a pursuit or use of intentional intervention shall complete a Longarm report to include the following:

(a) The supervisor will ensure that detailed reports are completed, and an "overall" account of the event is included.

(b) The primary officer shall complete appropriate crime/arrest reports.

(c) The primary officer shall ensure that the following photograph is taken and submitted with the Longarm Report:

    1. Officer will be wearing uniform that was worn during the pursuit; and

    2. Officer is standing next to the police vehicle used in the pursuit (emergency lighting equipment should be activated).

(d) The primary officer shall complete a Report in Longarm which should contain the following detailed Information:

    (a) The violation(s) that caused the pursuit to be initiated.

    (b) The conditions of the pursuit, including, but not limited to, all of the following:

        (a) Duration and route

        (b) Approximate mileage

        (c) Number of Officers involved

        (d) Maximum number of units involved (Cover and Perimeter)

        (e) Time of day

        (f) Weather conditions

        (g) Speeds in relation to speed limits

        (h) Names of Officers involved

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(i) Whether the pursuit involved multiple agencies

(j) The means or methods used to stop the suspect being pursued.

(k) If force was used, what type(s)

(l) Whether the pursuit resulted in a collision

(m) If injuries, type and seriousness

(n) Suspected alcohol/drug use of fleeing driver

(c) Whether or not the officer's BWC was activated during the pursuit as required by policy and if not, an explanation of the reason(s) why.

308.12 PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

All officers engaging in vehicle pursuits or high speed driving shall complete an emergency vehicle operator skills course, refresher training in emergency vehicle operation annually , and be certified in at least one pursuit intervention option (RCW 10.116.060).

All employees who drive a city vehicles as part of their regular assigned duties shall complete backing skills refresher training annually.

308.12.1 POLICY AND COMMAND STAFF REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

The Patrol Lieutenants will maintain a log of all pursuits and will review and analyze all pursuit reports annually to determine patterns or trends that indicate training needs and/or policy modifications. The annual review shall be provided to the Chief of Police, Command Staff, Training Staff and EVOC instructor cadre.

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