

## Vehicle Pursuits

### 313.1 PURPOSE AND SCOPE

The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment.

Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers. Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit.

It is recognized that vehicular pursuit situations are not always predictable, and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit. Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment.

### 313.2 DEFINITIONS

**Attempt to Elude:** Any driver of a motor vehicle who willfully fails or refuses to immediately bring his/her vehicle to a stop and who drives his/her vehicle in a manner indicating a wanton or willful disregard for the lives or property of others while fleeing a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop. RCW 46.61.024

**Vehicular 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. RCW 10.116.060

**Pursuit Intervention Options:** are the same as Vehicle Tactics as defined in VPD Policy 300.

**Outrageous:** Unsafe or dangerous excessive speed or erratic vehicular movement. Some examples include: - Actual collision, or imminent collision, with other vehicles. - Driving at night without lights at speeds that do not adequately warn others of the vehicle's presence. - Driving at high speeds on flat tires or metal rims. - The presence of large number of pedestrians or others in the immediate path or vicinity of the vehicle. - Extreme disregard for traffic control devices, directly imperiling cross traffic. - Off road actions such as cutting through parking lots at high speed, where pedestrians or others are likely to be present, including driving up on sidewalks.

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### 313.3 PRIMARY PURSUIT CONSIDERATIONS

1. Vehicular pursuits are permitted only under certain circumstances pursuant RCW 10.116.060. Officers must know and follow the law. The primary consideration when determining whether to initiate, continue or terminate a vehicular pursuit is public safety and the safety of officers.
2. The pursuit must be necessary for the purpose of identifying or apprehending the person and the person must pose a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances.

#### 313.3.1 PROHIBITED ACTIONS

1. A vehicle pursuit not meeting the requirements under RCW 10.116.060 and this policy, must be terminated.
2. Officers do not engage in pursuits with a passenger in their vehicle unless the passenger is a fully commissioned law enforcement officer with jurisdiction in Vancouver who is working in an official capacity.
3. Officers do not engage in pursuit techniques which require the officers to drive in the opposing or wrong direction of a freeway or divided highway, unless objectively reasonable under the totality of the circumstances.
4. Officers do not attempt to pull alongside a fleeing vehicle and intentionally attempt to force it into any obstacles or off the road, unless objectively reasonable under the totality of the circumstances.
5. Officers do not direct the spotlight at the windshield or vision of the suspect in an attempt to blind or halt a pursuit. This requirement does not limit the use of a spotlight to increase officer safety when conducting high risk vehicle stop tactics.
6. Officers do not engage in pursuits unless in a police uniform as authorized by the Uniform Manual, and in a police vehicle equipped with emergency lights and siren.
7. Officers do not engage in pursuits unless they are current in EVOC training as required by RCW 10.116.060.
8. Officers do not engage in a pursuit of a vehicle with the known presence of an infant(s) or obvious young child(ren) under 13 years old in the vehicle unless objectively reasonable under the totality of the circumstances.

### 313.4 AUTHORIZED PURSUIT CRIMES

In addition to the Primary Pursuit Considerations and other criteria set forth in RCW 10.116.060 and this policy, an officer may not engage in a vehicular pursuit unless there is reasonable suspicion to believe that a person in the vehicle has committed or is committing any of the following:

1. A violent offense as defined in RCW 9.94A.030;
2. A sex offense as defined in RCW 9.94A.030
3. Vehicular assault under RCW 46.61.522

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4. Felony Domestic Violence Assault under RCW 9A.36.
5. An escape under 9A.76 RCW;
6. Driving under the influence under RCW 46.61.502 with officer observed outrageous driving prior to enforcement action taken (catching up to suspect car / U-turn / emergency lights on / etc). Simply pursuing a driver suspected of driving under the influence absence outrageous driving is not authorized.

### 313.5 PURSUING OFFICERS

The initiating officer, up to four (4) additional pursuit units, and the supervisor engage in the pursuit and operate within the guidelines outlined in RCW 10.116.060 and this policy. Typically, the initiating officer is responsible for the following actions, however all involved or assisting officers, including the supervisor having oversight of the pursuit, are responsible to assist or ensure that the following actions have been or are being completed.

1. The crime for the pursuit must be clearly articulated.
2. The necessity for identifying or apprehending the person must be reasonably articulated.
3. The serious risk of harm to others that the person poses must be reasonably articulated.
4. The pursuing officer(s) must notify a supervising officer immediately upon initiating a pursuit.
5. There must be supervisory oversight of the pursuit.
6. The pursuing officer(s) and supervisor must reasonably believe that the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the pursuit under the circumstances.
7. The pursuing officer(s) and supervisor must consider the justification for the pursuit and other safety considerations, including but not limited to speed, weather, traffic (vehicular and pedestrian), road conditions and the known presence of minors in the vehicle. This should be reasonably articulated over the radio, as feasible.
8. The pursuing officer(s), and supervisor, must consider alternatives to the pursuit, including but not limited to the availability of air support, known or anticipated routes or destination, and any tracking capabilities of the suspect or suspect vehicle.
9. The pursuing officer(s), and supervisor, must develop a plan as soon as practicable to end the pursuit through the use of available pursuit intervention options.

Any officer may terminate a pursuit not meeting the requirements set forth in policy or RCW.

### 313.6 COMMUNICATIONS

1. The supervising officer, pursuing officer(s), or dispatcher shall notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit.

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2. The pursuing officers and supervisor must be able to directly communicate with each other and the applicable dispatch agency, such as being on a common radio channel or having other direct means of communication.
  - (a) If the pursuit leaves the jurisdiction of this department, involved units may switch radio communications, whenever available, to a channel that is most advantageous for effective and direct communications.
  - (b) If communications with CRESA are lost and there is no other common radio channel or other direct means of communication available to meet the requirement under RCW 10.116.060, the pursuit shall be terminated.

### **313.7 ASSISTING AREA UNITS**

Officers who are on duty and in the area of the pursuit should monitor the progress of the pursuit but not actively engage in the pursuit unless requested to do so, or it is reasonable based on the totality of the circumstances. Assisting area units should be available in case they are needed to help provide resources.

### **313.8 SUPERVISORY RESPONSIBILITIES**

The supervisor may assign additional pursuit units and other assets to the pursuit as necessary and reasonable based on the totality of the circumstances.

On duty sergeants and corporals have primary responsibility to assume supervisory oversight for a pursuit as it progresses. They must take the following actions:

1. Acknowledge via radio that they are aware of the pursuit.
2. Obtain sufficient information about the pursuit as necessary to ensure policy and RCW compliance.
3. Terminate pursuits not meeting the requirements of this policy and RCW 10.116.060.
4. Ensure that the pursuit is necessary for the purpose of identifying or apprehending the person and that the person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances.
5. Consider the justification for the vehicular pursuit and other safety considerations, including but not limited to: Speed, Weather, Traffic, Road conditions and Known presence of minors in the vehicle.
6. Consider alternatives to the vehicular pursuit, including but not limited to the availability of air support, known or anticipated routes or destination of suspect and any tracking capabilities of the suspect or suspect vehicle.
7. Develop a plan as soon as practicable with the pursuing officer(s) to end the pursuit through the use of available pursuit intervention options.
8. Ensure other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit are notified.

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9. Ensure that pursuing officers, supervisor and dispatch are able to directly communicate with each other.
10. Respond to the scene of the termination of the pursuit, if applicable.

### **313.9 ALTERNATIVE PURSUIT VEHICLES**

The Department authorizes personnel operating unmarked police vehicles, special purpose police vehicles or police motorcycles to engage in a vehicular pursuit when:

1. The vehicle is equipped with emergency lights and siren.
2. The officer operating the pursuit vehicle is in uniform pursuant the Uniform Manual.
3. As soon as marked vehicles become available to take over the pursuit, when feasible the alternative pursuit vehicle assumes the position of support until sufficient marked units can take over.

### **313.10 PURSUIT INTERVENTION OPTIONS**

The Department Use of Force Policy authorizes officers to use vehicle tactics that reduce the risks of a pursuit and/or to bring a pursuit to a conclusion.

These tactics may be used preemptively, meaning without lights/siren warnings, when there is probable cause to arrest a suspect in a vehicle and the totality of the circumstances indicates the suspect will attempt to avoid detention and arrest, or when the suspect is operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

### **313.11 PURSUIT TERMINATION**

A vehicle pursuit not meeting the requirements under this policy or RCW shall be terminated.

1. At the conclusion of a pursuit in which the suspect(s) or suspect vehicle has stopped, the pursuing officer(s) shall maintain responsibility for the control and direction of activities at the scene, unless relieved by a supervisor.
2. Upon termination of a vehicle pursuit in which the suspect(s) or suspect vehicle is not stopped, officers will turn off emergency lights and siren, resume routine vehicle operation, and notify dispatch of the termination of the pursuit and their location.
  - (a) This does not imply that officers must cease looking for the suspect; however, officers must resume non-emergency response driving pursuant VPD Policy.

### **313.12 JURISDICTIONAL PURSUIT GUIDELINES**

Vehicular pursuits may at times leave the city of Vancouver and enter into other Washington jurisdictions, State of Oregon, or come from other jurisdictions into the city of Vancouver. In these circumstances, there are protocols to follow in requesting assistance or assisting outside agencies.

Officers leaving the city of Vancouver in a pursuit must follow the listed guidelines:

1. The pursuing officers, supervisor or dispatch will request assistance from the appropriate jurisdiction.

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2. The pursuing units continue as appropriate until the agency of jurisdiction is capable of accepting and assuming the pursuit.
3. Once the agency having jurisdiction fully assumes the pursuit, VPD units will terminate active pursuit. The supervisor will continue to monitor the pursuit and designate VPD unit(s) to respond to the termination point of the pursuit if applicable.
4. If the agency having jurisdiction does not have adequate pursuit units, the supervisor may authorize VPD units to remain in the pursuit.
5. If the agency having jurisdiction terminates the pursuit, all involved VPD units must terminate the pursuit.

### 313.12.1 PURSUITS ENTERING CITY OF VANCOUVER

The Department may exercise authority over vehicular pursuits that are initiated in another jurisdiction and enter the Vancouver city limits under the following criteria:

1. The shift supervisor ascertains the basis for the pursuit.
  - (a) If the basis of the pursuit does not meet the Departmental guidelines for a pursuit, the supervisor advises units to not become involved in the pursuit.
  - (b) If a pursuit is authorized, all Department guidelines of pursuits are followed.

### 313.13 REPORTING RESPONSIBILITIES

The Vancouver Police Department documents and reviews details of all vehicular pursuits from all officers involved in the pursuit.

#### 313.13.1 PURSUIT UNITS

The pursuit units, including the supervisor having oversight of the pursuit, must complete written reports detailing the pursuit to include as applicable:

1. Complete a report detailing the pursuit, including the following as known:
  - (a) The uniform worn and the type of police vehicle operated including where the emergency lights are located (e.g.: overhead) and siren.
  - (b) Document that EVOC training was completed within the previous two years and included pursuit intervention options and risk assessment analysis.
  - (c) Document the camera operated during the incident (e.g.: BWC, Vehicle Camera),
  - (d) The crime for the pursuit,
  - (e) The reasons necessary to identify or apprehend the suspect,
  - (f) The supervisor who was notified of the pursuit,
  - (g) The pursuit risk assessment analysis (The person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances – RCW 10.116.060),
  - (h) If there were any reasonable alternatives to the pursuit,

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- (i) The initial plan to end the pursuit,
  - (j) Dispatch agency and communications channel used,
  - (k) Other police agencies involved if known,
  - (l) A summary of the route of the pursuit,
  - (m) A summary of the weather and/or traffic conditions on the route of the pursuit,
  - (n) How and why the pursuit was terminated,
  - (o) Any special circumstances that arose during the pursuit including a description of any vehicle tactics that were used,
  - (p) Any known injuries or damage to vehicles or property, and
  - (q) Any other information deemed pertinent to the incident.
2. Take and attach photographs of involved vehicles, known property damage and where any vehicle tactics were used.
  3. Submit applicable reports to the RMS.

### 313.13.2 PURSUIT SUPERVISOR

The supervisor has the following responsibilities:

1. Review the reports submitted by the primary pursuit and supports units, as feasible.
2. Prepare and submit a report into the RMS per 313.13.1.
3. Complete the "Pursuit Driving Report Checklist" in Blue Team.

### 313.13.3 COMMAND REVIEW

The lieutenant overseeing the initiating pursuit officer's assignment is responsible to review the pursuit details and incident, even if the supervisor in oversight of the pursuit is not in their direct chain of command.

The assigned lieutenant has the following responsibilities:

1. Review all related reports, submitted documents and police camera systems.
2. Request any relevant reports from other involved law enforcement agencies.
3. Order a dispatch recording and pursuing unit(s) AVL history of the pursuit incident.
4. Determination if the pursuit was within Department policy.

### 313.13.4 PROFESSIONAL STANDARDS UNIT

Review pursuit reports that were determined to be a violation of policy and take action as required by applicable policy.

## 313.14 TRAINING RESPONSIBILITIES

The Training Unit provides training on this policy, pursuit risk assessment analysis, vehicle tactics and emergency vehicle operator's course (EVOC).

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1. All sworn employees will receive training and certification in the following vehicle tactics:
  - (a) PIT (Pursuit Intervention Technique)
  - (b) Deployment of tire deflation devices
  - (c) PIN (vehicle to vehicle contact, non-striking)
2. Bi-Annual EVOC Training Required. All sworn employees are responsible to attend Department Emergency Vehicle Operator's Course (EVOC) at least once every two years.
3. Department Emergency Vehicle Operator's Course (EVOC) will include refresher training and re-certification in one or more of the following vehicle tactics as pursuit intervention options:
  - (a) PIT (Pursuit Intervention Technique)
  - (b) Deployment of tire deflation devices
  - (c) PIN (vehicle to vehicle contact, non-striking)
4. Any sworn employee who has not completed updated emergency vehicle operator training in the previous two years is prohibited from engaging in a pursuit and shall:
  - (a) Notify their supervisor as soon as reasonably practical in an e-mail to their supervisor.
  - (b) Make arrangements through their supervisor and the Training Unit to attend an EVOC training.