

**In response to Substitute Senate Bill (SSB) 5165
58th Legislature
2003 Regular Session**

WASPC Model Policy—Vehicle Pursuits

Purpose

In compliance with RCWs 43.101.225 and 43.101.226, this model policy establishes guidelines and parameters for a law enforcement officer or supervisor in the event of a motor vehicle pursuit. There may be many factors to be considered before deciding to initiate, continue, or terminate a pursuit. The ultimate decision to initiate a pursuit must be balanced against the greater concern for the safety of the community and the public safety employees.

Definitions

Vehicular Pursuit: An attempt by a uniformed, law enforcement officer in an officially marked patrol vehicle to stop a moving vehicle where the driver of such vehicle is aware that the officer is signaling the vehicle to stop and is resisting the stop by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a manner that endangers the safety of the community or the officer by ignoring the officer's attempt to stop the vehicle.

Officially Marked Patrol Vehicle: An officially marked patrol vehicle is equipped with emergency lights and siren and operated by a uniformed, law enforcement officer.

Attempting to Elude: (refer to RCW 46.61.024)

Supervising Officer: A supervising officer shall be an officer of a law enforcement agency with the rank of Sergeant or above. In the absence of an officer with rank, an officer may be designated as the supervising officer by the Chief or Sheriff of a law enforcement agency.

Primary Unit: The primary unit is the officer engaged in the pursuit who is closest in proximity to the fleeing vehicle.

Secondary Unit: The second officer to engage in a pursuit may be at the request of the primary unit or at the direction of a supervisor.

Backup Units: Other officers in the area that may become directly involved, if requested by the primary unit, or directed by a supervisor. If a pursuit continues into another jurisdiction, officers from that jurisdiction may participate as they deem appropriate.

Pursuit Guidelines: The following guidelines are intended to assist officers in making sound decisions regarding pursuits:

When a decision is made to pursue a vehicle, the officer initiating the pursuit must have reasonable suspicion to believe that the driver or the occupants of the vehicle have committed or are about to commit a felony crime, or that the violator poses an immediate or future threat of death or serious bodily injury to officers or the public.

The conditions during a pursuit should continuously be evaluated to ensure that the risk of non-pursuit clearly outweighs the risk of pursuit.

- No more than two patrol units should be engaged in a pursuit unless the primary unit or supervisor specifically requests a backup unit.
- Only officially marked patrol vehicles should engage in pursuits, and emergency equipment shall be in operation throughout the entire pursuit.
- If available, aircraft should be utilized to maintain visual contact with the fleeing vehicle.
- Any officer involved in a pursuit may discontinue their involvement at any time during the course of the pursuit.
- An officer should consider the following when deciding to initiate, sustain, or terminate a pursuit:
 - Seriousness of the offense.
 - Safety to the public.
 - Safety to the officer.
 - Likelihood of successful apprehension.
 - Time of day.
 - Traffic volume.
 - Pedestrian traffic.
 - Road and weather conditions.
 - Visibility and illumination.
 - Capabilities of the officer and their police vehicles.
 - Officer's familiarity with surroundings and geographic area.

- Suspect's threat to the life of others.
- Speeds involved.
- Identification of the pursued driver or vehicle registration making later apprehension possible.
- Safety of passengers in the suspect's vehicle.

Primary Unit Responsibility: It is the responsibility of the primary unit to advise the communications center and/or responding units of the following information:

- Officer identification.
- Location, direction of travel, speed, and traffic volume on a continuous basis during the pursuit.
- Description of the fleeing vehicle and license number if known.
- Description of the suspect driver and occupants, if available.
- Reason for the pursuit, including the crime, or circumstances for which the pursuit was initiated.

Secondary Unit Responsibilities: The secondary unit, upon joining the pursuit, should advise the communications center of their involvement. It is recommended that the secondary unit assume responsibility for primary radio communication. The secondary unit shall replace the primary unit should it become necessary.

Backup Units Responsibility: Other officers in the area of the pursuit shall monitor the progress of the pursuit. They should not engage in the pursuit unless requested to do so by the primary or secondary unit or the supervisor. They should be available in case they are needed to help provide resources that may be needed to terminate the pursuit and assist in the apprehension of the suspects after the pursuit has been terminated.

Supervising Officers Responsibility: Upon notification of a pursuit, the supervisor shall assume supervisory command of the pursuit and will direct or change the tactics of the pursuit as needed. The supervisor in command of the pursuit shall be responsible to coordinate the resources necessary to end the pursuit as quickly as possible and by the most safe and effective means available.

A supervisor may order the termination of a pursuit at any time. Supervision of a pursuit that leads from one jurisdiction to another should be transferred to a supervisor from that jurisdiction, if a supervisor is available.

Communications: Communications should immediately broadcast available information concerning a pursuit to local patrol units and law enforcement

jurisdictions, and should designate the specific frequency to be used during the pursuit.

Communications should also advise the appropriate supervisor or commanding officer of the pursuit. Initiation or any change of supervisory command should be communicated to all involved units. Communications shall also attempt to obtain any information concerning the identity of the driver, occupants, or vehicle owner. All jurisdictions that may be affected by the pursuit should be notified as soon as practical.

Wrong-Way Pursuits: Officers should not pursue vehicles that proceed the wrong way on a divided highway, freeway, freeway access, or one-way street unless specifically authorized by a supervisor. Officers may attempt to stop the vehicle from legally available lanes of travel.

Termination of a Pursuit: The decision to terminate a pursuit can be made by the primary officer or ordered by the supervisor at any time during the pursuit. Those making the decisions should consider the nature of the offense, the time of day, the evaluation of the weather, traffic conditions, geographies, familiarity with the area, the types of patrol vehicles involved, and the actions of the fleeing driver. A pursuit should be terminated when:

- The officer or the supervisor believes the danger to the public outweighs the need for immediate apprehension of the suspect.
- The violator's identity is established to the point where later apprehension may be accomplished.
- A supervisor orders the pursuit to be terminated.
- The suspect is known to law enforcement.
- The officer loses visual contact with the fleeing vehicle.

Methods of Forcible Stop

This model policy recognizes four (4) methods of forcible stop: intentional intervention, roadblock, hollow spike strip, and pursuit immobilization technique (PIT).

Intentional Intervention: Intentional intervention (ramming) of a vehicle is the deliberate act of hitting another vehicle with the patrol vehicle for the purpose of functionally damaging or forcing the other vehicle off of the road. Intentional intervention should be considered lethal force.

Roadblocks/Blockades: A roadblock is a barricade using vehicles or other obstruction (excluding hollow spike strips) across a roadway set up to stop or prevent escape of a fleeing vehicle. Supervisory approval of the use of a roadblock is recommended, and an escape route should always be left available.

Hollow Spike Strip: All law enforcement officers must have received training in the use of the spike strip before utilization.

Pursuit Immobilization Technique (PIT): The PIT is a method to reduce the risks in bringing pursuits to a conclusion. PIT is a forced rotational vehicle stop of a noncompliant suspect in an effort to end the suspect's flight. Officers must have received training in the utilization of the PIT maneuver before using the technique.

After Action Reports/Pursuit Critique: After every pursuit, the duty supervisor shall complete a Pursuit Critique Report and conduct a review to determine compliance with policy and identified training issues.

The patrol commander or designee is responsible for holding an after action critique for all such pursuits. The patrol commander is responsible for storing the pursuit reports and compiling statistical reports for review.

NOTE

This model policy is not a requirement for adoption by agencies; however any policy adopted, pursuant to the statutory requirements of RCW 43.101.225 (3), must meet the minimum requirements specified in subsection (2) of SSB 5165.



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RCW 43.101.225

Training on vehicular pursuits.

(1) By June 30, 2006, every new full-time law enforcement officer employed, after July 27, 2003, by a state, county, or municipal law enforcement agency shall be trained on vehicular pursuits.

(2) Beginning July 1, 2006, every new full-time law enforcement officer employed by a state, county, or municipal law enforcement agency shall be trained on vehicular pursuits, within six months of employment.

(3) Nothing in chapter 37, Laws of 2003 requires training on vehicular pursuit of any law enforcement officer who is employed in a state, county, or city law enforcement agency on July 27, 2003, beyond that which he or she has received prior to July 27, 2003.

[2003 c 37 § 3.]

NOTES:

Intent -- 2003 c 37: "The legislature intends to improve the safety of law enforcement officers and the public by providing consistent education and training for officers in the matter of vehicle pursuit. The legislature recognizes there are a multitude of factors which enter into the determination of pursuit and intends that the criminal justice training commission be given the responsibility of identifying those factors and developing appropriate standards for training of law enforcement officers in this area." [2003 c 37 § 1.]



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RCW 43.101.226

Vehicular pursuits -- Model policy.

(1) By December 1, 2003, the Washington state criminal justice training commission, the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers shall develop a written model policy on vehicular pursuits.

(2) The model policy must meet all of the following minimum standards:

(a) Provide for supervisory control, if available, of the pursuit;

(b) Provide procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(c) Provide procedures for coordinating operations with other jurisdictions; and

(d) Provide guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

(3) By June 1, 2004, every state, county, and municipal law enforcement agency shall adopt and implement a written vehicular pursuit policy. The policy adopted may, but need not, be the model policy developed under subsections (1) and (2) of this section. However, any policy adopted must address the minimum requirements specified in subsection (2) of this section.

[2003 c 37 § 2.]

NOTES:

Intent -- 2003 c 37: See note following RCW [43.101.225](#).