

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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### **314 PURPOSE AND SCOPE**

Pursuits of suspected or known violators of the law potentially expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance on balancing the safety of the public and themselves against the law enforcement mission to apprehend individuals who have committed, are committing, or are suspected of committing crimes that pose a threat to public safety. Another purpose of this policy is to reduce and minimize the potential for pursuit-related accidents. Vehicle pursuits require officers to exercise sound judgment. Officers must not forget that the immediate apprehension of a criminal suspect is never more important than the safety of the public, and rarely more important than the safety of the officers pursuing them. The decisions to initiate and continue pursuing must be aligned with the Safety Priorities.

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 posed by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit due to the associated risk. 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. Officers' conduct during a pursuit must be objectively reasonable; that is, what a similarly situated reasonable officer would do under the circumstances. An officer's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### **314.1 POLICY**

This policy is intended to remain in compliance with RCW 43.101.225 and RCW 10.116.060.

It shall be the policy of the Edmonds Police Department not to engage in pursuits of eluding drivers if the only basis for the initiation of the pursuit is a traffic infraction or non-violent misdemeanor crime. This limitation does not apply to suspected Driving Under the Influence, Reckless Driving, or other objectively dangerous behavior when the reckless driving or other dangerous behavior was ongoing before an attempted traffic stop.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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### 314.1.1 DEFINITIONS

**Vehicle Pursuit** – A vehicle pursuit is 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 (5).

**Vehicle Pin** – A vehicle apprehension technique in which one or more patrol vehicles are positioned around a stationary subject's vehicle, often in contact with it, in a manner intended to restrict or limit the subject vehicle's ability to flee. This technique may be used as a pursuit-prevention tactic when it is objectively reasonable to believe that a subject's use of a vehicle to flee from police would pose a risk to the public, officers, or others.

**Pursuit Prevention** – An attempt to mitigate or remove the ability of a suspect to flee in a motor vehicle through the preemptive use of technology, tools, tactics, and/or equipment to increase the likelihood of a favorable outcome for all parties involved.

**Pursuit Intervention** – The application of tactics, tools, and/or techniques that mitigate or eliminate the need to continue a pursuit. Examples may include the use of PIT (Pursuit Intervention Technique), tire deflation devices, GPS monitoring technologies, Ramming, Roadblocks, or any other reasonable alternative to continuing a pursuit.

**Pursuit Intervention Technique (PIT)** – A maneuver designed to cause the suspect vehicle to spin out, stall, and come to a stop. PIT maneuvers over 40 mph require supervisor approval and may be considered deadly force based upon the totality of the circumstances.

**Ramming** – The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally disable or otherwise force the suspect's vehicle to stop. Ramming may be considered deadly force based upon the totality of the circumstances.

**Roadblock** – A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of a moving suspect's vehicle and leaving no reasonable avenue of escape. This agency does not train officers in the use of roadblocks. The use of this intervention technique is restricted to situations in which deadly force is authorized.

**Tire Deflation Devices** – Tire-deflating tools utilized to deflate the suspect vehicle's tires, such as spike strips or valve stem tools, or other approved department devices.

**Terminate** - To immediately discontinue or stop chasing a fleeing vehicle(s)

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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### 314.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a motor vehicle pursuit shall be conducted only with emergency lights and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard for and caution in the safety of all persons using the highway, as required by RCW 46.61.035(4).

Only those officers who have completed a program of training and testing. Pursuing officers must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operating training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option.

#### 314.2.1 WHEN TO INITIATE A PURSUIT

Officers must recognize that vehicle pursuits can be among the most dangerous activities they may engage in, from a safety standpoint, for both the officer and the general public.

An officer may not engage in a vehicular pursuit unless all the following elements have been satisfied:

- (a) There is reasonable suspicion a person has violated the law.
- (b) The pursuit is necessary for the purpose of identifying or apprehending the person; **and**
- (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 vehicular pursuit under the circumstances; **and**
- (d) The pursuing officer notifies a supervising officer immediately upon initiating the vehicular pursuit; there is supervisory oversight of the pursuit (Policy 314.4); and the pursuing officer, in consultation with the supervising officer, considers alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to:
  - The safety of the public in the area of the pursuit
  - The safety of the pursuing officers.
  - The time of day and visibility.
  - The volume of vehicular and pedestrian traffic.
  - Location of pursuit.
  - Weather and road conditions.
  - Familiarity with the area of the pursuit.
  - Speeds involved.
  - Quality of radio communications between the pursuing unit(s), the dispatcher, and the supervisor.
  - The mechanical capability of the police vehicles involved.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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- The personal ability, experience, and training of the officer(s) involved.
- Availability of assistance from other officers.
- The known presence of minors in the vehicle.

### 314.2.2 WHEN TO TERMINATE A PURSUIT

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the criminal offense against the potential danger to innocent motorists, residents, pedestrians, and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue immediately or to stop chasing a fleeing vehicle(s).

Termination of a pursuit shall occur under **any** of the following conditions:

- (a) If any of the elements of Policy 314.2.1 are not met;
- (b) In the opinion of the officer, the field supervisor, and/or the shift supervisor, the level of danger created by the pursuit outweighs the necessity for immediate apprehension of the criminal suspect; or
- (c) The criminal suspect's identity has been established to the point that later apprehension can be accomplished, and there is no public safety or victim safety need for immediate apprehension. This restriction may be waived if the suspect has committed an inherently dangerous felony.

### 314.3 PURSUIT UNITS

The pursuing officer(s) and the supervising officer(s) are responsible for complying with the following pursuit procedures, including designating the primary pursuit vehicle and determining the appropriate number of vehicles to participate in the pursuit.

The number of units directly involved will vary depending on the circumstances, but should generally be at least two. Supporting units (those not directly involved in pursuing the fleeing vehicle) should assist as necessary to achieve a safe and effective resolution of the pursuit while demonstrating proper self-discipline and sound professional judgment.

#### 314.3.1 MOTORCYCLES, UNMARKED VEHICLES & OTHER CONSIDERATIONS

- (a) Unmarked patrol vehicles and motorcycles, equipped with emergency lights and sirens, may engage in pursuits. However, as soon as a fully marked vehicle becomes available to take over the pursuit, it should do so.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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- (b) Unmarked detective and staff cars will not engage in pursuits.
- (c) Support vehicles will follow the progress of the pursuit non-code, acting as a relay to Snohomish County 911 (Sno911) if needed.
- (d) Generally, other units should not run code on parallel streets. If it becomes necessary to do so (e.g., to set up a roadblock, to get into a position to assist with arrest, etc.), it will be done only after making other units aware via radio unless situation dynamics dictate otherwise.

### **314.3.2 PRIMARY UNIT RESPONSIBILITIES**

When a motor vehicle pursuit is initiated, the officer shall immediately report it to the dispatcher. In a pursuit, the officer shall activate all emergency equipment (lights and siren). Spotlights will not be used during any vehicle pursuits. Initial information reported should include:

- (a) Reason for pursuit.
- (b) Description of fleeing vehicle.
- (c) Occupant information.
- (d) Location and direction of pursuit.
- (e) Speeds involved.
- (f) Road conditions and traffic volume.

### **314.3.3 SECONDARY UNIT(S) RESPONSIBILITIES**

Secondary unit(s) joining the pursuit will assist with information dissemination concerning:

- (a) The direction of travel and crossstreets.
- (b) The location of the stop.
- (c) Any other information that could assist in apprehension, promote officer safety, or aid the supervisor in making decisions as to whether or not to allow the pursuit to continue. This will also allow the primary unit to concentrate on the pursuit.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

---

### 314.3.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered when initiating and terminating a pursuit. The following are tactics for units involved in the pursuit:

- (a) Pursuing officers shall at all times drive with due care and caution to avoid unnecessary risk to the public while engaging in a vehicle pursuit.
- (b) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they can see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (c) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (d) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a roadway.  
In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect(s).
- (e) Notifying the other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or is requested to do so by the primary unit.
- (g) Police vehicles containing victims, witnesses, suspects, prisoners, explorers, civilian riders, or any other non-police personnel (including officers from other agencies when not on official business) shall not become involved in pursuits.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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### 314.4 SUPERVISORY OVERSIGHT AND RESPONSIBILITY

It is the policy of this department that available supervisory and management oversight will be exercised over all motor vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for the following:

- (a) Before authorizing a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit to ensure that a pursuit would be conducted within established department guidelines. The officer, in consultation with the supervisor, must consider alternatives to the vehicular pursuit. The supervising officer must consider the justification for the vehicular pursuit and other safety considerations, including, but not limited to, those identified in Policy 314.2.1.
- (b) Upon authorization, the field supervisor shall assume overall oversight of the pursuit and, in the exercise of their discretion, may order specific units in or out of the pursuit, allow continuation of the pursuit, or order the immediate termination of the pursuit.
- (c) Request a copy of the pursuit tape from Sno911.

#### 314.4.1 SUPERVISOR AS A PRIMARY OR SECONDARY UNIT

Shift supervisors should not serve as the primary or secondary pursuing unit except in exigent circumstances in which no other reasonable alternative exists and the severity of the crime demands a public safety response. Supervisors are expected to remain disengaged from direct pursuit activities whenever practicable to maintain an objective perspective and effectively supervise the event.

When a supervisor becomes directly involved as a pursuing unit, the ability to provide independent oversight may be diminished. Supervisors should transition pursuit responsibilities to another available unit as soon as it is safe and reasonable to do so and reassume a supervisory role as promptly as possible. Generally, supervisors should not be directly involved in pursuits that leave Edmonds.

- (a) Command Authority and Pursuit Termination
  - 1. If the primary shift supervisor becomes directly involved in a pursuit, another on-duty supervisor, regardless of rank, shall assume supervisory authority over the pursuit as soon as practicable. If no other supervisor is available, the shift supervisor is expected to disengage as soon as practicable, taking into account the situation's dynamics.
- (b) Authority to Order Termination
  - 1. Any supervisor of any rank who is monitoring or becomes aware of a pursuit retains

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

---

the authority to order the termination of the pursuit when the primary supervisor becomes directly involved. This decision will be made by the other supervisor if the situation meets any termination requirements of this policy or if the risks to public safety, officers, or others outweigh the necessity of immediate apprehension.

**The termination order shall be complied with immediately.**

### **314.5 COMMUNICATIONS**

Generally, the Sno911 dispatcher will relay the pursuit notification to the field supervisor, including any available information.

For specifics on the responsibilities of the contracted dispatch agency, consult the Sno911 policy/procedures manual.

The pursuing officer must be able to communicate directly with other officers engaged in the pursuit, the supervising officer, and the dispatcher, such as on a common radio channel or through other direct means.

### **314.6 INTER-JURISDICTIONAL CONSIDERATIONS**

Generally, the dispatch center is responsible for notifying other law enforcement agencies or surrounding jurisdictions that may be affected by the vehicular pursuit or called upon to assist with it. The pursuing officer and the supervising officer will comply with all procedures for coordinating operations with other jurisdictions.

Should an officer of this department initiate a pursuit that leaves the City of Edmonds, the decision to continue or terminate must be reevaluated in terms of the factors outlined under officer responsibility. If the decision is to continue, the officer involved should remain the primary pursuit unit, not expecting the other agency to take over the pursuit if the pursuit is terminated while in another agency's jurisdiction, that agency **MUST** be notified immediately of that decision. When deciding whether to continue pursuing outside the city, we must also consider that our primary responsibility is to our citizens, and we cannot leave them unprotected.

#### **314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Edmonds Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may, upon request or at the direction of a supervisor, proceed to the termination point to assist in the investigation. Additional units may respond at the discretion of the shift supervisor.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

---

### 314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Pursuits initiated by an outside agency and entering our jurisdiction should be considered that agency's pursuit. Edmonds officers will only become involved at the supervisor's direction. This policy will govern any officers who become so involved. The mere fact that we have been advised that another agency is entering our jurisdiction in pursuit is not authorization to join in the pursuit. No Edmonds officers will continue the pursuit outside of our jurisdiction. Any time a pursuit initiated by an outside agency enters our jurisdiction and is subsequently terminated by that agency, any officers from this department who had joined the pursuit will immediately terminate as well.

### 314.7 PURSUIT INTERVENTION

As soon as practicable after initiating a vehicular pursuit, the pursuing officer and supervising officer should develop a plan to end the pursuit using available pursuit intervention options. Any pursuit intervention option, depending on the conditions and circumstances under which it is used, may pose dangers to officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed as the use of deadly force and are subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall not utilize these tactics or equipment.

- (a) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public, and occupants of the pursued vehicle. PIT maneuvers over 40 mph require supervisor approval and may be considered deadly force in consideration of the totality of the circumstances.
- (b) The decision to ram another vehicle by an officer may be considered deadly force - the intentional application of force through any means reasonably likely to cause death or serious physical injury. Officers must remember that while the use of a firearm is expressly considered deadly force, other force options, including pursuit intervention options, might also be considered deadly force if their application creates a circumstance that is reasonably likely to cause death or serious physical injury. Use of deadly force is justified in the following circumstances (RCW 10.120.020):
  - 1. An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an immediate threat of death or serious bodily injury.
    - (a) For purposes of this subsection: "Immediate threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

---

ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

- (c) Supervisor approval is required before the deployment of Stop Sticks. Officers and supervisors should carefully consider the limitations of such devices as well as the potential risks to officers, the public, and occupants of the pursued vehicle. Spike strips will not be used on motorcycles or other two-wheeled vehicles unless deadly force is authorized.
  - 1. Use of stop sticks on a vehicle fleeing police is extremely hazardous. Deployment should only occur from a position where the officer can ensure they are protected from the suspect and from pursuing police vehicles.

### 314.8 PURSUIT PREVENTION

Given the inherent risks associated with vehicle pursuits, officers should consider pursuit-prevention options, including preemptive deployment of a vehicle pin and/or a tire-deflation device when appropriate. **Before attempting these techniques, all officers involved must have received training in them.**

Trained officers should request supervisor approval before using any preemptive pursuit prevention tactic. Preemptive pursuit prevention tactics may be utilized when:

- a) The officer has located a driver/occupant of a parked vehicle, and they have reasonable suspicion to believe the driver/occupant is involved in the commission of a crime or is under the influence of intoxicants, which may impair driving ability and/or cognition, or other conditions which appear to compromise a person's ability to safely operate a motor vehicle and
- b) The officer reasonably believes the subject is likely to attempt to elude the officer upon being advised that they are lawfully detained under reasonable suspicion, or that they are under arrest based on probable cause.

Officers should consider parking as close as possible, up to and including slight contact between their vehicle and the subject vehicle. Physical contact with the subject's front and/or back bumper or corner quarter panels tends to be the most effective in reducing the risk of the driver pushing/ramming their vehicle against the department vehicle in their attempt to elude. Officers must recognize that this tactic is not a vehicle ram. The setup is executed at a slow speed just before slight contact with the subject vehicle.

Officers must consider the heightened risk to officer safety posed by attempting this maneuver. Intentionally positioning their vehicle in front of a subject vehicle and another officer doing the same at the rear of the vehicle may create crossfire situations or place the officer within the subject's direct

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

---

forward line of sight. Officers must be diligent in balancing the danger posed to them against the goal of reducing public risk by successfully apprehending the subject. All efforts should be made, as quickly as possible, to mitigate crossfire situations by adhering to the Patrol Tactics Principle of Position and Movement.

**Lastly, officers must understand that such a tactic may still result in the subject driver attempting to evade capture by striking the parked department vehicle/s. Ensuing property damage to city vehicles, by itself, does not justify a deadly force response, nor does it by itself justify an ensuing vehicle pursuit. On-scene officers must exercise due diligence to avoid placing themselves between the subject vehicle and their department vehicle, or between the suspect vehicle and the escape path.**

### 314.8.1.1 TIRE DEFLATION DEVICES

Officers should consider other tactics to help prevent the likelihood of a pursuit, including the preemptive use of stop sticks.

**Use of Stop Sticks on Moving Vehicles** – Officers may request permission to preemptively deploy stop sticks or other tire deflation devices on moving vehicles to stop a vehicle and/or to prevent a pursuit from occurring if:

- (a) The officer has reasonable suspicion to believe a moving vehicle is involved in the commission of a crime, and
- (b) The officer reasonably believes that a pursuit would occur when they activate their vehicle's overhead lights to stop the vehicle.
  - Use of stop sticks on a vehicle fleeing police is extremely hazardous. Deployment should only occur from a position where the officer can ensure they are protected from the suspect and from pursuing police vehicles.

**Use of Stop Sticks on Stationary Vehicles** – Officers may request permission to preemptively deploy stop sticks on parked vehicles to prevent a vehicle from moving and/or to prevent flight from an officer if:

- (a) The officer has located a stationary vehicle, either occupied or unoccupied, that they have reasonable suspicion or probable cause to believe is involved in the commission of a crime, is the subject of a warrant, and/or the officer suspects the subject to be suicidal, an imminent threat to others, or gravely disabled, and
- (b) The officer reasonably believes the suspect is likely to attempt to elude the officer upon being advised that they are lawfully detained under reasonable suspicion, detained under the Involuntary Treatment Act (ITA), or that they are under arrest based on probable cause

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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- (c) If the circumstances do not merit a vehicle pursuit as outlined in this policy, officers/supervisors will not engage in a pursuit following a successful application of stop sticks. If the subject eludes officers, the expectation is to set a perimeter, notify surrounding agencies, if applicable, and begin searching for the disabled vehicle safely.

Officers and supervisors should carefully consider the limitations of such devices as well as the potential risks to officers, the public, and vehicle occupants. Only officers trained in the use of stop sticks or other tire-deflation devices are authorized to deploy them.

When attempting to employ an alternative to a pursuit or to prevent a pursuit – including vehicle pin, Pursuit Intervention Techniques (PIT), ramming, or a roadblock – circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided or trained by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of improvised devices or methods is authorized, provided they are objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose. Officers will be required to fully justify and articulate these acts.

### **314.8.2 USE OF FIREARMS**

When in a pursuit, officers may not shoot at a fleeing vehicle unless necessary to protect against an immediate threat of serious physical injury or death resulting from the operator's or a passenger's use of a deadly weapon. 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 physical injury or death are immediately available to the officer. The use of firearms is considered deadly force and will only be used when deadly force is warranted.

### **314.8.3 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to the successful conclusion of a pursuit and the apprehension of evading suspects. Officers shall use only the amount of force that reasonably appears necessary under the circumstances to perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider public safety and the safety of the involved officers when formulating plans to contain and capture the suspect.

# 314 Vehicle Pursuits

## Edmonds Police Department Policy

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### **314.8.4 REPORTING REQUIREMENTS**

All pursuits will be documented in both the investigative report form and the designated Use of Force/Pursuit tracking system. The report will be reviewed by the chain of command of the involved employee(s), and may include the Chief of Police.

All incidents in which a vehicle willfully fails to yield or attempts to elude, but no pursuit was initiated, will also be documented in an investigative report.

A designee of the Chief of Police will review all pursuit reports annually to determine patterns or trends that indicate training needs and/or policy modifications.

### **314.10 POLICY REVIEW**

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

### **314.11 TRAINING**

In an effort to improve the safety of law enforcement officers and the public, the department will provide consistent education and training for officers on vehicular pursuits in compliance with RCW 43.101.225. In addition to these training requirements, officers who employ vehicle pin, PIT, and tire deflation techniques must have been first trained in these techniques. This will most often be the result of department-wide emergency vehicle operations training, but for some department members, such as detectives, PSET, and SWAT team members, unit/specialty training may be substituted.