13.031 – Vehicle Follow, Eluding, and Pursuits

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This policy applies to sworn employees who pursue a motor vehicle, or who follow vehicles that fail to yield to law enforcement officers but do not operate the vehicle substantially outside of normal traffic patterns.

13.031-POL-1 Definitions

Eluding: when an officer operating an authorized police vehicle issues by hand, voice, emergency lights, or siren a visual and/or audible signal to the driver of a vehicle to stop, and after a reasonable time to yield in response to the officer's signal, the driver increases speed, takes evasive actions, and/or refuses to stop (RCW 46.61.024).

Involved Sworn Employee (Pursuit): no more than three units will be involved in a pursuit. A sworn employee may request, or a controlling supervisor may approve, additional units to join a pursuit if, after assessing factors, it appears that the number of sworn employees involved would be insufficient to safely arrest the suspect(s) or perform a pursuit ending technique. All other sworn employees may support the pursuit and should remain alert to its progress and location. Any sworn employee who drops out of a pursuit may then, if necessary, proceed to the termination point in a safe manner. As soon as safe and feasible, marked units will replace any unmarked units involved in a pursuit.

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). A vehicle pursuit is not a vehicle follow.

Vehicle Follow/Failure-to-Yield: a vehicle follow is an event involving one or more law enforcement officers attempting to detain a suspect vehicle that is failing to yield to the visual and/or audio signals of the law enforcement officers but not operating the vehicle recklessly (RCW 46.61.500). A vehicle follow is not a vehicle pursuit (RCW

46.61.022) (see 13.031-POL-6 Sworn Employee Options for a Vehicle Follow, and Vehicle Follow Reporting and Documentation).

13.031-POL-2 When Sworn Employees May Initiate a Pursuit, and Supervisor Responsibilities for a Pursuit

1. Sworn Employees May Not Initiate a Pursuit Unless Requirements Have Been Met

Sworn employees may not pursue a vehicle unless the following requirements have been met:

- The pursuing sworn employee has completed an emergency vehicle operator's course (EVOC), has completed an updated EVOC within the previous two years, and has been certified in at least one pursuit ending option (see 13.031-POL-3 Ending or Terminating Pursuits); and

- There is reasonable suspicion to believe that a person in the vehicle has committed or is committing a violent offense or sex offense (RCW 9.94A.030); and

- The person poses a threat of death or serious physical injury to others such that, under the circumstances, the public safety risks of failing to apprehend or identify the person are greater than inherent risk of pursuit driving; and

- Immediately notify a supervisor of the pursuit; and

- A supervisor is actively monitoring and supervising the pursuit.

A vehicle pursuit may not be initiated if all the requirements above are not met, and the pursuit must be terminated, unless circumstances change.

The pursuing sworn employee will receive authorization to continue the pursuit from a supervisor (who is not involved in the pursuit).

Sworn employees will terminate a pursuit when the threat of death or serious physical injury to public safety outweighs the inherent risk of pursuit driving.

Sworn employees are prohibited from pursuing for the sole crimes of eluding, escape, or DUI.

2. Sworn Employees and Supervisors Must Consider Alternatives to Pursuits

Factors to be considered in weighing the risk of the pursuit include:

- Known identity of the suspect driver, and the sworn employee's ability to capture them later

- Underlying reason for pursuit

- The opportunity for others to perceive and react to the sworn employee and other emergency vehicles

- Character of the location (i.e., freeway vs. side street)

- Direction of travel and roadway geometry or configuration

- Weather and roadway conditions

- Speed at which the sworn employee is driving

- Time of Day

- Traffic conditions (pedestrian and vehicle congestion)

- The known presence of minors in the vehicle

- Perceived speed and operation of the eluding vehicle

- The sworn employee should consider their skill and training with emergency driving and pursuits

3. Unmarked Units Without Emergency Equipment Will Not Engage in Pursuits

4. Sworn Employees in Pursuits Will Activate Emergency Lights and Will Use Their Sirens Continuously to Warn Others of the Emergency Nature of the Situation

5. Sworn Employees Must Notify Communications of Pursuits

The primary pursuing unit will immediately advise Communications when initiating a pursuit and will update relevant details including:

- Reason for pursuit

- Location

- Direction of travel

- Description of suspect vehicle and suspect(s)

- Perceived speed of the eluding vehicle

- Sworn employee’s approximate speed

- Traffic conditions (pedestrians and vehicles)

- Weather conditions

The secondary unit, after joining the pursuit, will if feasible, assume the responsibility for all radio transmissions from the primary unit.

6. Communications Will Notify Supervisors of Pursuits

Communications will immediately notify the primary unit's supervisor and watch commander of the pursuit.

If the pursuing unit's supervisor is not available, Communications will notify another supervisor in the precinct.

7. Controlling Supervisors Will Approve and Monitor All Pursuits

The supervisor who has approved the pursuit is the controlling supervisor of all aspects of the pursuit unless control is taken over by a higher-ranking supervisor. The controlling supervisor will immediately establish radio contact with the primary or secondary pursuing unit and will gather relevant information, as soon as practicable.

- If necessary, the controlling supervisor will prompt pursuing sworn employees to provide and update relevant information from 13.031-POL-2(5) Sworn Employees Must Notify Communications of Pursuits.

The controlling supervisor will actively monitor the pursuit to provide ongoing assessment and supervisory control.

Supervisors will terminate a pursuit when the risk to any person(s) outweighs the need to stop the eluding vehicle.

8. Marked Police Vehicles Take Priority in Pursuits

Police motorcycles and unmarked police vehicles with emergency equipment may initiate pursuits. However, marked police vehicles will assume the primary positions as soon as possible.

9. Police Vehicles with Civilian Riders or Passengers Will Not Participate in a Pursuit, in Any Capacity

13.031-POL-3 Ending or Terminating Pursuits

1. Intentional Vehicle-Related Tactics Are Prohibited as Pursuit-Ending Tactics Except as Justified Under the Use of Force Policy

Sworn employees will not use any intentional vehicle-related tactics for the sole crime of eluding. These tactics are uses of force per manual section 8.300-POL-6 Use of Force Tools – Vehicle-Related Tactics.

Exception: Only sworn employees who have been trained in the Pursuit Intervention Technique (PIT) or stop sticks may engage in these techniques. Sworn employees will obtain supervisor approval before performing a PIT, if feasible.

2. The Pursuing Sworn Employee or Controlling Supervisor Overseeing the Pursuit Will Develop a Plan to End the Pursuit, as Soon as Practical

(See 13.031-POL-4 Pursuit Ending Options)

3. The Controlling Supervisor Overseeing the Pursuit Will Respond to the Scene

4. Any Involved Sworn Employee, Including a Passenger Sworn Employee, or a Supervisor May Terminate a Pursuit

5. Any Involved Sworn Employee May Disengage from a Pursuit at Any Time

6. Sworn Employees will Disengage When Pursuit is Terminated

When a pursuit is terminated, sworn employees will do the following:

- With ICV/BWV still recording, return to a normal driving pattern, obeying all traffic laws, and

- Deactivate all emergency equipment.

7. Sworn Employees Will Not Reinitiate Pursuits That Have Been Terminated

Once a pursuit is terminated, no sworn employee will pursue the same vehicle anywhere in the city.

Exception: A sworn employee may reinitiate the pursuit if either of the following apply:

- A sworn employee has an articulable basis to believe that a new violent crime has been committed, and broadcasts that information over radio, or

- A supervisor, who has knowledge of the originating incident, gives authorization to reinitiate the pursuit.

8. The Department Will Not Discipline Officers, Supervisors, or Commanders for Declining to Initiate or Deciding to Terminate a Pursuit

13.031-POL-4 Pursuit Ending Options

Sworn employees pursuing a vehicle have two pursuit ending options:

- A Pursuit Intervention Technique (PIT), and/or

- The use of stop sticks.

Supervisors controlling a pursuit and pursuing officers must formulate a plan as soon as practicable for utilizing a pursuit ending option.

- If formulating a plan provides no pursuit ending options, the pursuit will be terminated.

A pursuit ending option used against motorcycles, is considered deadly force.

1. Sworn Employees Using a Pursuit Intervention Technique (PIT)

A PIT is only authorized for sworn employees who have been trained in the technique. The PIT, when done in compliance with department-approved training, is a Type II use of force unless the resulting injury meets the threshold for a Type III per manual section 8.400 – Use of Force Reporting and Investigation. Use of a PIT on a motorcycle is considered deadly force.

For when a PIT is authorized, see manual section 8.300-POL-6 Use of Force Tools – Vehicle-Related Tactics.

(See also manual section 8.400 – Use of Force Reporting and Investigation)

2. Sworn Employees Using Stop Sticks

Sworn employees may deploy stop sticks only after giving the deployment location over the radio to other units. If the primary pursuing sworn employees do not acknowledge, then the stop stick devices will not be used.

The controlling supervisor or primary pursuing sworn employee may override or rescind the decision to deploy stop sticks.

Sworn employees deploying stop sticks must be certified in their use and are responsible for reporting the use of the stop sticks.

Stop stick deployment without tire deflation is a Type I use of force. Stop stick deployment with tire deflation is a Type II use of force unless the resulting injury meets the threshold for a Type III per manual section 8.400-Use of Force Reporting and Investigation.

13.031-POL-5 Pursuit Reporting and Documentation

1. All Driver Sworn Employees Involved in a Pursuit will Complete a Vehicle Pursuit Report

Driver sworn employees will detail their involvement in the pursuit using a report entry titled "Vehicle Pursuit."

In the incident summary, sworn employees will detail:

- The reason(s) for the pursuit
- Lighting conditions
- Roadway lighting
- Traffic conditions
- Road conditions
- Weather conditions
- Whether their vehicle was a one- or two-officer car
- Whether their vehicle was marked
- Whether lights and sirens were activated
- Route of travel
- What pursuit ending option was considered and why it was used or why it was not used

When the sworn employee has completed the report, they will forward the entry to the reviewing supervisor.

Passenger sworn employees involved in the pursuit will complete a witness officer statement and forward it to the reviewing supervisor for attachment to the driver sworn employee's report.

2. Controlling Supervisors May or May Not be the Reviewing Supervisor, Depending on Circumstances of the Pursuit

The reviewing supervisor may be different from the controlling supervisor, such as the following:

- Another sworn employee, not the controlling supervisor, deploys stop sticks, the controlling supervisor will complete the Pursuit report and review the use of force, which will be sent to the precinct admin lieutenant for the use of force review per manual section 8.400 – Use of Force Reporting and Investigation.

- If the controlling supervisor deploys stop sticks, the controlling supervisor will complete a Pursuit report and a use of force entry. Another supervisor, uninvolved in the pursuit, will review all appropriate paperwork including reports and witness officer(s) statements. A precinct lieutenant admin will review the pursuit and use of force per manual section 8.400 – Use of Force Reporting and Investigation.

- If there is a collision, the controlling supervisor and pursuing primary officer will each complete a Pursuit report. Another supervisor, uninvolved in the pursuit, will review all appropriate paperwork including reports and witness officer(s) statements.

- If there is a Type III use of force, or a fatality collision, FIT or other appropriate units will respond per manual section 8.400 – Use of Force Reporting and Investigation, and those units primary responsibilities will be reviewing all appropriate paperwork.

All applications of PIT, regardless of the results or the resulting level of force, will be screened with FIT.

(See also manual section 8.400 – Use of Force Reporting and Investigation)

3. Reviewing Supervisors Will Review Video and Each Sworn Employee's Reports

The reviewing supervisor will review video of the involved employee from the pursuit to assess circumstances of the initiation of the vehicle stop, continuation, and termination of the pursuit.

The reviewing supervisor will bookmark the relevant video for subsequent review.

The reviewing supervisor will ensure all driver sworn employees involved in the pursuit complete a report titled "Vehicle Pursuit" and that the primary sworn employee completes an incident report.

The reviewing supervisor will review each officer's report.

In the Comments Section of each officer's report, the reviewing supervisor will include:

- A short summary of the pursuit

- What control they extended over the pursuit

- Whether the decision to initiate and/or maintain pursuit of an eluding vehicle was within policy

- What pursuit ending option was used or not used, and why

- Recommendations: training, OPA referral, commendation, etc.

The reviewing supervisor will attach any associated administrative reports to the report and then forward them to the Chief of Police through the primary pursuing sworn employee's chain of command, whether a suspect is apprehended or not.

Watch lieutenants and precinct captains will review the bookmarked portions of the video from all vehicles involved in the pursuit before inputting their comments into each sworn employee's report.

4. The Sworn Employee Deploying Stop Sticks Will Report the Use

After the deployment of stop sticks, the sworn employee will collect damaged sections of the device and complete a Stop Stick Deployment Report (form 2.26).

The sworn employee sends a copy of the form to the Quartermaster (QM) and the Training Unit.

The sworn employee also sends a copy of the incident report to the Training Unit.

Used stop sticks will be submitted to the Quartermaster.

Exceptions: If necessary, stop sticks will be submitted into to evidence, or if necessary, stop sticks will be submitted to the Training Unit for inspection, and the Training Unit will work with the Quartermaster to arrange for the disposition of the equipment.

(See 13.031-PRO-1 Sending Damaged Stop Sticks to Quartermaster)

Sworn employees will report the use of stop sticks per manual section 8.400 – Use of Force Reporting and Investigation. The sworn employee will attach a copy of the Stop Stick Deployment Report to their report.

5. Eluding Incidents Ending in a Vehicle Collision Trigger Notifications

A sergeant will respond to the scene of any known collision that involves an eluding vehicle, regardless of whether a sworn employee has initiated pursuit or not, following a driver's refusal to stop.

A report is still required if a pursuit results in a collision that results in serious injury to any party. The responding sergeant will notify the sergeant of the Traffic Collision Investigation (TCI) and the chain of command up to the Patrol Operations Bureau Chief.

13.031-POL-6 Sworn Employee Options for a Vehicle Follow, and Vehicle Follow Reporting and Documentation

1. A Vehicle Follow is Not a Vehicle Pursuit

A vehicle follow is an event that does not meet the threshold for a pursuit and involves one or more law enforcement officers attempting to detain a suspect vehicle that is failing to yield to the visual and/or audio signals of the law enforcement officers but not operating the vehicle in a manner substantially outside of normal traffic patterns that endangers the safety of the community. A vehicle follow is not a vehicle pursuit.

2. The Department Will Not Discipline Sworn Employees, Supervisors, or Commanders for Declining to Initiate or Deciding to Terminate a Vehicle Follow

3. All Sworn Employees Involved in a Vehicle Follow will Document the Incident

Whether the suspect is apprehended or not, sworn employees involved in following a vehicle where the driver fails to yield to the sworn employee's commands to stop, will document the incident in Mark43 in either an Incident/Offense report or a Supplemental.

13.031-PRO-1 Sending Damaged Stop Sticks to Quartermaster

Sworn Employee

1. **Gathers** damaged stop sticks after deployment.
2. **Completes** Stop Stick Deployment Form (Form 2.26).
3. **Sends** damaged stop sticks and a copy of the deployment form to QM.
4. **Sends** the original deployment form and copy of the incident report to the Training Unit.

Quartermaster

5. **Receives** damaged stop sticks and form.
6. **Notifies** the Training Unit that damaged stop sticks have been received.

Training Unit

7. **Receives** stop stick deployment form and copy of the incident report.
8. **Inspects** damaged stop sticks received by QM, if necessary.
9. **Arranges** disposition of the stop sticks with QM (destroy, return to manufacturer, etc.).