

18.0 VEHICLE PURSUIT

Evaluation of Circumstances

Once a vehicle pursuit has been initiated under Policy 10.4 ~~Officers~~ and supervisors should constantly evaluate the situation to ensure continual compliance with the pursuit policy. ~~“Evaluate the Circumstances” and Officers and supervisors must consider the following criteria when deciding to initiate, sustain, determine tactics or and whether to continue or terminate a pursuit:~~

- a) Seriousness of the offense.
- b) Safety of the officer.
- c) Time of ~~d~~Day
- d) Traffic ~~v~~Volume.
- e) Pedestrian ~~t~~Traffic.
- f) Road and ~~w~~Weather conditions.
- g) Visibility and illumination.
- h) Capability of the officer and his/her vehicle
- i) Familiarity with the area.
- j) Quality of radio communications.
- k) Public ~~s~~Safety.
- l) Positive identification of the driver and the vehicle

Primary Unit Responsibilities

~~In the event a member becomes involved in the pursuit of a vehicle failing to stop as directed, the member must immediately notify dispatch of the following. Whenever possible, a~~An officer initiating a vehicle pursuit shall immediately announce via the radio the following:

1. That ~~they~~he/she ~~are~~is in a vehicle pursuit
2. ~~and the~~ offense and circumstances supporting the immediate serious threat to the safety of the public or other police officers.
3. License number and description of the suspect vehicle.
4. Location and direction of the route during the pursuit.
5. The number of occupants in the vehicle. Provide descriptions if possible.
4. The original offense being pursued for.
6. The suspects speed, driving characteristics and traffic conditions.

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~~[Once a pursuit is initiated, the pursuing officers will immediately activate their emergency lights and siren.]~~

Comment [d1]: This makes no sense, their lights and siren will already be on. Eliminate.

It is important to broadcast the direction and location of the pursuit at regular intervals in order to properly direct assisting units. The primary unit will broadcast this information until an assisting unit arrives. The assisting unit will then be responsible for radio transmissions.

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Assisting Unit Responsibilities

Assisting units must attempt to position themselves at strategic points along the path of the pursuit in order to provide various types of assistance, such as:

1. ~~Provide C~~ontainment at strategic intersections to keep the pursuit on arterial roads to avoid neighborhoods.
2. ~~Provide T~~raffic control at major intersections to prevent vehicular traffic from proceeding into the path of the pursuit.
3. ~~Provide A~~ssistance with suspects after a pursuit has ended.
4. ~~Setting~~ up Stop Sticks along the route to disable the suspect vehicle.

It is extremely important to maintain radio discipline during pursuit driving in order to allow the primary and secondary units the opportunity to broadcast information which can be clearly understood by other assisting units.

~~Absent emergency circumstances involving an immediate risk of harm to the public or police, t~~The number of Everett Police units involved in the pursuit shall be limited to that number necessary to safely arrest the occupants of the pursued vehicle. The supervisor will determine the number of involved units.

~~Responsibilities of Communication Personnel~~

~~The SNOPAC Center communications dispatcher shall make all reasonable effort to notify a law enforcement supervisor of a pursuit in progress and will maintain radio contact with the pursuing unit(s) as long as practical. It is also the responsibility of the SNOPAC communication dispatcher to immediately notify any affected agency when the pursuit enters another jurisdiction. If the pursuing leaves the effective range of SNOPAC, that unit will no longer be the responsibility of SNOPAC. In that case pursuing units will utilize the state wide L.E.A.R.N. Frequency.~~

Comment [d2]: Having a procedure that dictates action for a separate organization doesn't make sense. This would be in the Radio Procedures Manual that SnoPac has to follow, not our Policy

Supervisor Responsibilities

~~It will be the responsibility of the Patrol supervisor to authorize continuation of and to closely monitor and control all police response to vehicle pursuits in accordance with departmental vehicle pursuit policy. In addition, The the supervisor will assure ensure that proper notification has been made to surrounding agencies according to the Snohomish County Multi-Agency Pursuit Memorandum of Understanding (Procedure 18.01) if the pursuit may might enter another jurisdiction.~~

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~~The supervisor will monitor the number of units actively pursuing the suspect vehicle and may limit that number as deemed necessary.~~

~~The A supervisor or officer may terminate a pursuit based upon an their assessment of all available facts and circumstances (see list under Evaluation of Circumstances), time of day, road conditions, weather, traffic volume or other factors requiring a safe conclusion to the pursuit.~~

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~~The supervisor will monitor the number of units actively pursuing the suspect vehicle and may limit that number as deemed necessary.~~

~~Upon the conclusion of a traffic vehicle pursuit, the supervisor will assure ensure that all actively involved units officers prepare written reports. The supervisor is responsible for reviewing the reports, completing a Managers Supervisor's Use of Force or Pursuit Review form and and for completing the Blue Team entry. The pursuit report, together with a copy of the all officer reports, will be and forwardeding the pursuit review that with and a copy of the report to their lieutenant. The lieutenant will complete a 'Managers entire Use of Force or Pursuit Review' form to packet will be reviewed through the chain of command. If the a supervisor was involved in the pursuit, his/her Lieutenant supervisor will review and complete their use of force report Managers Supervisor's Use of Force or Pursuit Review packet.~~

Forced Stopping Pursuit Intervention Tactics

~~The Everett Police Department recognizes that there are devices designed for and utilized in an effort to slow or stop an offending vehicle. These dTactics and dDevices designed to force a fleeing vehicle to stop may be used, following established procedures, and only after proper training. They will not be used when it has been determined (by supervisory personnel whenever possible) that such use would create a greater safety concern than that of allowing the offending vehicle to continue.~~

Use of Stop Sticks:

~~"Stop Sticks" may be deployed in single units or in the preferred manner utilizing the sleeve and "cord / reel".~~

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~~# Stop sticks shall be placed in the appropriate lane of travel and at an angle perpendicular to the approaching vehicle.~~

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~~The position of deployment shall be from a place of safety that takes into consideration the location, roadway, weather, vehicles and persons involved.~~

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~~The device shall be removed from the roadway as soon as the offending vehicle has passed or as soon thereafter as is safe~~

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~~An attempt shall be made to utilize the "cord / reel" mechanism with care given toward exposed spikes, a tangled cord and other unforeseen dangers.~~

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At speeds less than 35mph, the manufacturer of "Stop Stick" has determined that their product is not always effective. Unless unusual circumstances exist, it will not be used in these instances.

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Personnel deploying these devices shall advise, via the radio, their intent, location and portion of roadway ~~blocked where the device is to be deployed as soon as possible and in all incidents~~ instances prior to the arrival of the involved patrol cars.

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Use of any of these devices shall be documented in the report (to include results of the action) and in the Supervisor's Use of Force or Pursuit Review "Use of Force" form.

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Used devices will be removed from service and replaced as soon as possible.

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Barricading the Roadway (Roadblocks)

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A roadblock is a barricade using vehicles or other obstructions, ~~excluding spike strips~~ stop sticks, across a roadway to stop or prevent the escape of a fleeing vehicle. A roadblock is deemed to be deadly force.

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Barricades will not be used to terminate a pursuit except in extenuating circumstances involving a life threatening crime such as homicide, arson, armed robbery, rape, felony assault, prison escape involving a felon or accomplice to any of the above.

A supervisor has the final authority to grant or deny permission to use a barricade. In the case of a pursuit entering another jurisdiction, the supervisor in the agency of jurisdiction will assume responsibility for making the decision to use a barricade. All agencies involved in a pursuit will be notified by the primary pursuing agency of their intent to use a barricade. Refer to the Snohomish County Multi-Agency Pursuit Memorandum of Understanding (Procedure 18.01).

Vehicle Intervention

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Vehicle intervention is the deliberate act of hitting another vehicle for the purpose of functionally damaging or forcing the other vehicle off the roadway to a stop, and is generally prohibited, except in extreme circumstances. An officer that opts to use vehicle intervention must be fully prepared to justify this extreme action.

The act of intervention is a level III use of force in the Everett Police use of Force continuum and should be used only in cases when a firearm might also have been used to prevent the escape of the suspects being sought.

Vehicle intervention will not be used to apprehend a traffic offender, misdemeanor, or fleeing felon whose only felony known to the pursuing officer at the time is the attempt to elude a pursuing police vehicle.

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Termination of a Pursuit

No Censure

The decision to ~~abandon~~ terminate a pursuit may be the most intelligent ~~safest~~ course of action. An officer or supervisor shall not be censured when, in their officer's opinion, the pursuit created a greater threat to the lives and property of others than the escape of the subject. The primary pursuing officer or any supervisor may terminate a pursuit. If the pursuit leaves the city and the agency of jurisdiction takes the primary position, Everett units may elect to terminate from any further participation in the pursuit. If another agency assumes the pursuit as the primary unit, the Everett unit will immediately notify dispatch of the change.

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When a vehicle pursuit is terminated, it must be clearly announced over the radio. Immediately thereafter, all Everett Police officers involved in the pursuit must turn off their emergency equipment, pull to the side of the road and then resume normal patrol.

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Comment [d3]: This was the transfer from Policy

- ~~1. The primary pursuing officer may determine the risks outweigh the means to continue and may terminate the pursuit.~~
- ~~2. A supervisor may determine through his/her assessment of various conditions to terminate the pursuit.~~
- ~~3. The Sector Lieutenant may determine the need to discontinue.~~
- ~~4. If the pursuit leaves the city and the agency of jurisdiction takes the primary position, Everett units may elect to terminate from any further participation in the pursuit. If another agency assumes the pursuit as the primary unit, the Everett unit will immediately notify dispatch of the change.~~
- ~~5. The suspect's identity is known to pursuing officers and a charge can be filed at a later time.~~

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Comment [d4]: Already addressed in the first section of this procedure

No Censure

The decision to ~~abandon~~ a pursuit may be the most intelligent course of action. An officer shall not be censured when, in the officer's opinion, the pursuit created a greater threat to the lives and property of others than the escape of the subject.

References:

~~Snohomish County Multi-Agency Pursuit Memorandum of Understanding (DATED: 7/2/97)~~

Comment [d5]: Not sure why this is here or what it references

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Pursuits Involving Unmarked Police Vehicles

Officers operating unmarked police vehicles will ~~are~~ generally be prohibited from engaging in and the ~~a~~ vehicle pursuit of an offending vehicle. If the officer is operating

an unmarked police vehicle that is equipped with emergency lights and siren they he/she may initiate and/or be involved only until fully marked police units arrive. If this involvement creates a serious safety concern (as determined by supervisory personnel) participation will be curtailed as soon as possible.

Non-Police Personnel

In the event a civilian observer is present in the police vehicle when a pursuit is initiated, the officer will either not participate in the pursuit or will leave the civilian person at a location where he/she can be safe until the officer returns or another unit can pick them up.

Pursuits Leaving the City

When a supervisor has authorized Everett officers to continue a vehicle pursuit that extends into another jurisdiction outside of the city limits, the primary pursuing agency supervisor shall will promptly, whenever as soon as possible, advise notify the affected agency of jurisdiction. A supervisor from the agency of jurisdiction will determine to what extent if any, their agency will become involved in accordance with the Snohomish County Multi-Agency Pursuit Memorandum of Understanding.

Pursuits Entering the City

When a vehicle pursuit by another jurisdiction enters the Everett city limits of Everett, the primary pursuing agency is responsible for advising our dispatch. Upon notification, the Everett Patrol supervisor will make a determination based upon the information provided, if of whether Everett officers will become involved and to what extent.

Reporting Requirements

All personnel involved in a traffic vehicle pursuit, including supervisors monitoring its progress shall prepare a report, which will be filed before the end of the shift.

All pursuit reports will be entered into Blue Team by the supervisor on duty and forwarded to the Lieutenant. The Lieutenant will then complete the Manager's Administrative Review and forward that up the chain of command.

(See also the Use of Force & Fleeing Vehicle Reporting Guidelines).

The Office of Professional Standards will conduct an annual, documented analysis of all pursuit reports.

Comment [d6]: This is corrected and covered in the supervisory section

Comment [d7]: This should be in the OPS SOP, not our Procedure Manual

Reports must include all the elements of RCW 46.61.024

RCW 46.61.024 (Attempt to Elude/Elements)

~~Any driver of a motor vehicle who willfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.~~

Comment [ds]: This RCW is not accurate and I am not sure why it is even in here. I have included the current RCW, but I would not encourage us to have RCW's in our Procedure Manual.

RCW 46.61.024

~~Attempting to elude police vehicle — Defense — License revocation:~~

~~(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.~~

~~— (2) It is an affirmative defense to this section which must be established by a preponderance of the evidence that: (a) A reasonable person would not believe that the signal to stop was given by a police officer; and (b) driving after the signal to stop was reasonable under the circumstances.~~

~~— (3) The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing.~~

~~[2010 c 8 § 9065; 2003 c 101 § 1; 1983 c 80 § 1; 1982 1st ex.s. c 47 § 25; 1979 ex.s. c 75 § 1.]~~

NOTES:

~~— Severability — 1982 1st ex.s. c 47: See note following RCW 9.41.190.~~