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<u>03.00.020 - Ramming/Forcing Vehicles Off Roadway</u>	BPD Policy Manual / 03 - Emergency Response/Vehicular Pursuits	10/13/2011	Ramming/Forcing Vehicles Off Roadway	No	11/1/2011
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<u>03.00.030 - Stop Stick Deployment</u>	BPD Policy Manual / 03 - Emergency Response/Vehicular Pursuits	7/13/2017	Stop Stick Deployment. Formerly 3.01.010, see revision notes.	Yes	11/1/2011
<u>03.00.030 - Stop Stick Deployment</u>	BPD Policy Manual / 03 - Emergency Response/Vehicular Pursuits	10/13/2011	Stop Stick Deployment. Formerly 3.01.010, see revision notes.	No	11/1/2011

4.00.010 EMERGENCY RESPONSE TO CALLS FOR SERVICE (CALEA 41.2.1)

The speed and equipment used in an emergency response will be determined by the officer(s) involved, within the guidelines of this procedure, unless otherwise directed by a supervisor. Officers are expected to use good judgment when responding to any calls for service. Speeds will be limited unless a life-threatening situation exists, and traffic conditions permit a higher speed.

State Statute

RCW 46.61.035 addresses emergency driving and states:

- ❖ The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- ❖ The driver of an authorized emergency vehicle may:
 1. Park or stand, irrespective of the provisions of this chapter;
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 3. Exceed the maximum speed limits so long as he/she does not endanger life or property;
 4. Disregard regulations governing direction of movement or turning in specified directions
- ❖ The exceptions herein granted to an authorized emergency vehicle will apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190. (For practical purposes use of audible signals will also be required.)
- ❖ The foregoing provisions will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

Code 1 Response

Where no emergency exists (i.e., routine calls for service), officers will proceed without the use of emergency equipment and in compliance with all traffic regulations.

Code 2 Response

For a crime or situation in progress, which is not life threatening or injury threatening, or in response to injury traffic accidents, the officer will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035.

The officer will not exceed the posted speed limit by more than ten (10) miles per hour, nor proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency equipment.

Code 3 Response

For a life threatening situation, or an officer's call for help, the officer will proceed as quickly and safely as possible using emergency lights and siren, while remaining within the statutory requirements for operation of an emergency vehicle.

Officers are expected to use good judgment when responding to any incident. A decision to respond "Code 3" must immediately be reported to the Communications Center by the responding officer(s). The decision to escalate any response to "Code 3" must also be based upon sound reasoning and will be subject to review.

Use of Emergency Equipment

There may be circumstances where the utilization of emergency equipment may not be desirable. An example of this would be when a patrol vehicle is in the immediate area of an in-progress call and the officers' use of the emergency equipment may alert the suspect to the approaching police. **If an officer chooses not to use the police vehicle's emergency equipment, the officer will obey all traffic regulations.**

The ***Opticom*** system will be used to assist officers while operating a police vehicle, equipped with emergency lights and siren, to safely clear intersections during code 2 and code 3 responses to emergency calls for service. The use of the *Opticom* is restricted to emergency responses in accordance with RCW 46.61.035 and all other provisions of this policy.

The use of the *Opticom* system does not release the officer of the responsibility for the safe operation of a police vehicle with due regard for the safety of all persons. Police officers will first successfully complete training prior to being allowed to use the *Opticom* system.

Supervisor Responsibility

Supervisors are expected to monitor Police Radio activity and when necessary, upgrade or downgrade the response to a call based on available information.

NORCOM Responsibility

NORCOM personnel are expected to relay all pertinent information to responding units so responding officers and supervisors may exercise good judgment in their decision as to the level of emergency, or lack thereof, in a call for service.

4.00.010 EMERGENCY RESPONSE TO CALLS FOR SERVICE (CALEA 41.2.1)

The speed and equipment used in an emergency response will be determined by the officer(s) involved, within the guidelines of this procedure, unless otherwise directed by a supervisor. Officers are expected to use good judgment when responding to any calls for service. Speeds will be limited unless a life-threatening situation exists, and traffic conditions permit a higher speed. Officers will operate vehicles with due care and regard for the safety of other persons.

State Statute

RCW 46.61.035 addresses emergency driving and states:

The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated:

- ❖ The driver of an authorized emergency vehicle may:
 1. Park or stand, irrespective of the provisions of this chapter;
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 3. Exceed the maximum speed limits so long as he/she does not endanger life or property;
 4. Disregard regulations governing direction of movement or turning in specified directions
- ❖ The exceptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190. (For practical purposes use of audible signals will also be required.)
- ❖ The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

Routine Calls for Service

Where no emergency exists (i.e., routine calls for service), officers will proceed without the use of emergency equipment and in compliance with all traffic regulations.

Emergency Calls for Service

Officers are expected to use good judgment when responding to any incident. A decision to respond to an emergency call must be reported to the Communications Center by the responding officer(s).

Officers responding to an emergency call shall evaluate the net benefit (giving due regard to the risk) of exercising the emergency vehicle privileges set forth in RCW 46.61.035. The following factors shall be considered by every officer when responding to an emergency call:

- ❖ Seriousness of the crime and its relationship to community safety
- ❖ Safety of the public in the area
- ❖ Safety of the responding officer and other officers in the area
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular and pedestrian traffic

- ❖ Location, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ The capabilities of the driver and police vehicle

When responding to an emergency call, Officers shall only exercise the privileges set forth in RCW 46.61.035 when the need outweighs the risk. Officers shall drive no faster than reasonably necessary to safely arrive at the scene when responding to an emergency call.

For a crime or situation in progress, which is not life threatening or injury threatening, or in response to injury traffic accidents, the officer is authorized to proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.

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- ❖ Safety of the responding officer and other officers in the area
- ❖ Time of day

- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular and pedestrian traffic
- ❖ Location, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ The capabilities of the driver and police vehicle

When responding to an emergency call, Officers shall only exercise the privileges set forth in RCW 46.61.035 when the need outweighs the risk. Officers shall drive no faster than reasonably necessary to safely arrive at the scene when responding to an emergency call.

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Definitions

Dangerous Felonies - Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

Immediate - Occurring without delay, instant, not separated by other persons or things, being near at hand

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.

If a vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit so long as the officer is adhering to normal traffic restrictions.

Vehicles Authorized to Engage in Pursuits

Vehicles involved in a pursuit response shall also be governed by the Department's Emergency Driving Response policies and RCW 46.61.035 (Authorized Emergency Vehicles). The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190, RCW 46.37.380(4), RCW 46.61.210(2), 46.61.264(2), and RCW 46.61.35 apply only when such vehicles are making use of the statutorily required visual and audible signals.

❖ Police Vehicles with Light Bars

Only marked police vehicles equipped with sirens and blue/red lights in the form of a light bar will engage in vehicular pursuits. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

❖ Police Vehicles without Light Bars

Police officers operating police vehicles without a light bar but having emergency lights visible to both the front and rear of the vehicle, and a siren, may participate in pursuits only until relieved by a marked police unit with a light bar. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor. The unit may proceed to the location where the pursuit ends to assist other officers.

❖ Motorcycles

Motorcycles Police Officers operating motorcycle units may participate in pursuits only until relieved by a marked police vehicle with a light bar unless the controlling supervisor or Captain determines that the motorcycle unit is a more effective pursuit vehicle.

❖ K-9 Units –

K9 Units may initiate a vehicular pursuit but will be relieved as soon as possible by a marked unit. The K9 Unit will then revert to a support role. K9 Units will not act as the secondary pursuit vehicle unless additional units are not available. K9 Units may be directly involved in vehicular pursuits only under the following circumstances: (1) A Supervisor requests that a K9 Unit be directly involved in the pursuit, or (2) the pursuit would be permitted under this policy. K9 Units, when not

directly involved in a vehicular pursuit, may proceed in the direction of the pursuit at a code response while adhering to that portion of the Bellevue Pursuit Policy which addresses emergency non-pursuit driving.

Vehicles NOT Authorized to Engage in Pursuits

- ❖ Prisoner Vans and Parking Enforcement Vehicles are specifically prohibited from engaging in pursuits.
- ❖ Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off- duty police officers from other agencies) will not participate in pursuit driving situations.
- ❖ Unmarked police vehicles without emergency equipment are prohibited from engaging in pursuits.
- ❖ Police vehicles when operated by an officer not in department uniform as defined in Chapter 18 (Uniforms).
- ❖ Police vehicles when operated by an officer, recruit, or department employee not trained or authorized to engage in vehicular pursuits.

Initiation of a Pursuit

Officers may not initiate or engage in a vehicular pursuit, unless:

- ❖ There is **probable cause** for a dangerous felony as defined in this policy; or
- ❖ There is **reasonable suspicion** a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502 if there are extraordinary circumstances including but not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstances must be present prior to the time that a pursuit is initiated.

In order to initiate, engage, or continue in a vehicular pursuit, the officer must determine that these four requirements are met:

- ❖ The pursuit is necessary for the purposes of identifying or apprehending the person;
- ❖ The person poses an imminent threat to the safety of others;
- ❖ 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
- ❖ The officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit.

The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations and the vehicular pursuit must be terminated if any of the above requirements are not met.

All pursuits will be continuously evaluated by the officer, the supervisor, and the Captain for termination/continuance in accord with Title 10 RCW, and the standards set forth in this procedure. The pursuit shall be terminated when the risk of pursuit driving outweighs the need to stop the eluding vehicle.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and Captain when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Is the pursuit necessary for the purposes of identifying or apprehending the person?
- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident that meets the statutory requirements in order to initiate a pursuit?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Traffic road conditions
- ❖ Familiarity of officer, supervisor, or Captain with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued
- ❖ The known presence of minors in the vehicle

Number of Units Involved in a Pursuit

The number of pursuing units should be limited to two vehicles; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). The controlling supervisor will monitor the number of units actively pursuing and will ensure that the number of units is reasonable, necessary, and safe.

The primary unit is the officer engaged in the pursuit who is closest in proximity to the fleeing vehicle. The secondary unit in a pursuit is responsible for backing-up the primary officer and communicating the details of the pursuit with NORCOM. The controlling supervisor may adjust this responsibility as necessary.

Paralleling

Police units directed to "parallel" the pursuit route will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or Captain. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.

Officers' Responsibilities/Accountability

Upon initiation of a pursuit an officer will immediately notify NORCOM of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel

- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/Captain and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/Captain
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or Captain.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

Prohibited Pursuits

Pursuits other than those recognized as justified by Title 10 RCW and this policy/procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

NORCOM Responsibilities

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or Captain, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

Supervisory Responsibilities

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- ❖ Assigning back-up responsibilities
- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

Command/Supervisory Accountability

The Captain or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the Captain/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The Captain or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

Pursuits from Bellevue into another Jurisdiction

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or Captain will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless otherwise directed by the controlling supervisor or Captain. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or Captain determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.
- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or Captain will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or Captain, and determine our response.
- ❖ **Termination/Evaluation** - If an active BPD pursuit is authorized, the continuance or termination of the pursuit will be determined by the controlling supervisor or Captain.

Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where the use of deadly force is reasonable and necessary. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or Captain must authorize the use of a roadblock. The controlling supervisor, Captain, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited
- ❖ The controlling supervisor/Captain will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue city limits

Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, and shall be prepared regardless of whether the offender(s) escaped or was arrested.

Administrative Review of Pursuits

All vehicular pursuit incidents will be entered into BlueTeam with a detailed review conducted by the Division Captain of the involved officer(s). The incident review will be forwarded via the chain of command to the Assistant Chief of the Operations Bureau. Upon completion of the chain of command review it will then be forwarded to the PSU Sergeant for training review.

A copy of the pursuit review with any recommended follow up actions will be forwarded to the Office of Accountability Assistant Chief.

At the end of the year, the Office of Accountability Assistant Chief will prepare a written analysis for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.

3.00.010 VEHICULAR PURSUITS (CALEA 41.2.2)

Definitions

Dangerous felonies - Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

Divided roadway, highway or interstate - Any roadway having a raised physical obstruction or barrier of any kind separating lanes of traffic moving in opposite directions.

Immediate - Occurring without delay, instant, not separated by other persons or things, being near at hand

Pursuit - A vehicle attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop by a uniformed officer operating a marked police vehicle and giving such signal by using a hand, voice, emergency light or siren, and the driver is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in such a manner as to elude the officer.

If the vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit.

Ramming, or forcing vehicles off the roadway, is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle.

Vehicles Authorized to Engage in Pursuits

❖ Marked Police Vehicles:

Only marked police vehicles equipped with sirens and blue/red lights will engage in vehicular pursuits. Unmarked detective vehicles, staff vehicles, traffic vans, Bike Van, SRO Vehicle, D.A.R.E. Vehicles, Prisoner Vans, and Parking Enforcement Vehicles are prohibited from engaging in pursuits. Portable or magnetic lights do not qualify as adequate equipment for conducting a pursuit. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

❖ Traffic Vehicles without Light Bars

Police officers operating patrol vehicles without roof lights, but having emergency lights visible to both the front and rear of the vehicle, and a siren, will participate in pursuits only until relieved by a fully marked, emergency equipped patrol unit. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor or commander.

The unit may proceed to the location where the pursuit ends to assist other officers. The Code of such a response shall be governed by the Department's Emergency Driving Response Policies.

❖ Motorcycles

Police Officers operating motorcycle units will participate in pursuits only until relieved by a marked, emergency-equipped police car, unless the controlling supervisor or commander determines that the motorcycle unit is a more effective pursuit vehicle.

❖ K-9 Units - Refer to K-9 manual.

Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off-duty police officers from other agencies) will not participate in pursuit driving situations.

Initiation of a Pursuit

- ❖ Officers may initiate a pursuit only when the need for immediate capture outweighs the danger created by the pursuit itself. Immediate capture shall apply to only the most serious incidents. The circumstances

justifying the decision to pursue must exist at the time of initiation.

- ❖ Pursuits for traffic violations, misdemeanors, gross misdemeanors and property crimes, alone, are prohibited; the infraction or criminal act will not, by itself constitute justification for a pursuit, barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstance must be present prior to the time that a pursuit is initiated.

All pursuits will be continuously evaluated by the officer, the supervisor and the commander for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and commander when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident?
- ❖ If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions that may diminish traction
- ❖ Familiarity of officer, supervisor, or watch commander with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued

Felony flight alone is not considered by the Department to be an extraordinary circumstance. The fact that a person attempts to elude a uniformed officer after being requested or signaled to stop does not, in and of itself, justify a pursuit even though the person may be committing "felony flight" as a matter of law (RCW 46.61.024). Felony flight combined with actions indicating a wanton or reckless disregard for community and officer safety can, depending upon existing circumstances, constitute an immediate, real threat to citizen or officer safety sufficient to necessitate and justify a pursuit.

The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190 and 46.61.035 apply only when such vehicles are making use of the statutorily required visual and audible signals. (Also reference RCW 46.37.380(4), 46.61.210(2) and 46.61.264(2)).

Primary and Secondary Units

The officer initiating the pursuit (primary unit) and one back-up police vehicle (secondary unit) will be the only vehicles to pursue a fleeing vehicle from the rear. The secondary unit will be selected by the Communications Center from available units in the vicinity of the pursuit.

Exception: The primary unit officer may request the controlling supervisor or commander to direct additional units to join the pursuit from the rear if it appears that the primary and secondary units will not be sufficient to safely affect the arrest of the occupants of the pursued vehicle.

Paralleling

Police units directed to "parallel" the pursuit route will operate in a Code 2 mode unless directed otherwise by the controlling supervisor or commander.

Officers' Responsibilities/Accountability

Upon initiation of a pursuit an officer will immediately notify the Communications Center of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel
- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/commander and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/commander
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or commander.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

Prohibited Pursuits

Pursuits other than those recognized as justified by this policy and procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes (of a divided roadway, highway, or interstate) in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

NORCOM Responsibilities

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Watch Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or commander, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

Supervisory Responsibilities

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- ❖ Assigning back-up responsibilities
- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

Command/Supervisory Accountabilities

The commander or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the commander/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The commander or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

Pursuits from Bellevue into another Jurisdiction

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or commander will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will be done in the Code 2 mode.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or commander determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.
- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or commander will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or commander, and determine our response.
- ❖ **Termination/Evaluation** - If active B.P.D. pursuit is authorized, continuance or termination of the pursuit will be determined by the controlling supervisor or commander.

Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where use of deadly force is appropriate. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or commander must authorize the use of a roadblock. The controlling supervisor, commander, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited

- ❖ The controlling supervisor/commander will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue City limits

Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, but will be prepared regardless of whether the offender(s) escaped or was arrested.

Administrative Review of Pursuits

All vehicular pursuit cases require a review by the Section Commander of the involved officer(s). A summary will be forwarded to the Operations Division Deputy Chief.

A copy of the summary will also be forwarded to the Commander of the Office of Professional Standards. An additional copy of the summary and case report will be sent to the Commander of the Office of Professional Standards to maintain for reporting and analysis at the end of the year.

At the end of the year, the Commander of the Office of Professional Standards will prepare a written analysis of the reports required following a vehicular pursuit. The purpose of this annual vehicle pursuit report is to analyze pursuits for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.

3.00.010 VEHICULAR PURSUITS (CALEA 41.2.2)

Definitions

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If the vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit.

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The unit may proceed to the location where the pursuit ends to assist other officers. The Code of such a response shall be governed by the Department's Emergency Driving Response Policies.

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All pursuits will be continuously evaluated by the officer, the supervisor and the commander for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and commander when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident?
- ❖ If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions that may diminish traction
- ❖ Familiarity of officer, supervisor, or watch commander with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued

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Officers' Responsibilities/Accountability

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- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel
- ❖ Nature of original offense
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- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or commander.

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Police officers operating patrol vehicles without roof lights, but having emergency lights visible to both the front and rear of the vehicle, and a siren, will participate in pursuits only until relieved by a fully marked, emergency equipped patrol unit. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor or commander.

The unit may proceed to the location where the pursuit ends to assist other officers. The Code of such a response shall be governed by the Department's Emergency Driving Response Policies.

❖ Motorcycles

Police Officers operating motorcycle units will participate in pursuits only until relieved by a marked, emergency-equipped police car, unless the controlling supervisor or commander determines that the motorcycle unit is a more effective pursuit vehicle.

❖ K-9 Units - Refer to K-9 manual.

Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off-duty police officers from other agencies) will not participate in pursuit driving situations.

Initiation of a Pursuit

- ❖ Officers may initiate a pursuit only when the need for immediate capture outweighs the danger created by the pursuit itself. Immediate capture shall apply to only the most serious incidents. The circumstances

justifying the decision to pursue must exist at the time of initiation.

- ❖ Pursuits for traffic violations, misdemeanors, gross misdemeanors and property crimes, alone, are prohibited; the infraction or criminal act will not, by itself constitute justification for a pursuit, barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstance must be present prior to the time that a pursuit is initiated.

All pursuits will be continuously evaluated by the officer, the supervisor and the commander for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and commander when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident?
- ❖ If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions that may diminish traction
- ❖ Familiarity of officer, supervisor, or watch commander with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued

Felony flight alone is not considered by the Department to be an extraordinary circumstance. The fact that a person attempts to elude a uniformed officer after being requested or signaled to stop does not, in and of itself, justify a pursuit even though the person may be committing "felony flight" as a matter of law (RCW 46.61.024). Felony flight combined with actions indicating a wanton or reckless disregard for community and officer safety can, depending upon existing circumstances, constitute an immediate, real threat to citizen or officer safety sufficient to necessitate and justify a pursuit.

The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190 and 46.61.035 apply only when such vehicles are making use of the statutorily required visual and audible signals. (Also reference RCW 46.37.380(4), 46.61.210(2) and 46.61.264(2)).

Number of Units Involved in a Pursuit

The number of pursuing units should be limited to two vehicles; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). The controlling supervisor will monitor the number of units actively pursuing, and will ensure that the number of units is reasonable, necessary, and safe.

The secondary unit in a pursuit is responsible for backing-up the primary officer and communicating the details of the pursuit with NORCOM. The controlling supervisor may adjust this responsibility as necessary.

Paralleling

Police units directed to "parallel" the pursuit route will operate in a Code 2 mode unless directed otherwise by the controlling supervisor or commander.

Officers' Responsibilities/Accountability

Upon initiation of a pursuit an officer will immediately notify the Communications Center of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel
- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/commander and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/commander
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or commander.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

Prohibited Pursuits

Pursuits other than those recognized as justified by this policy and procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes (of a divided roadway, highway, or interstate) in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

NORCOM Responsibilities

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Watch Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or commander, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

Supervisory Responsibilities

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- ❖ Assigning back-up responsibilities
- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

Command/Supervisory Accountabilities

The commander or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the commander/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The commander or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

Pursuits from Bellevue into another Jurisdiction

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or commander will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will be done in the Code 2 mode.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or commander determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.
- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or commander will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or commander, and determine our response.
- ❖ **Termination/Evaluation** - If active B.P.D. pursuit is authorized, continuance or termination of the pursuit will be determined by the controlling supervisor or commander.

Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where use of deadly force is appropriate. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or commander must authorize the use of a roadblock. The controlling supervisor, commander, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited

- ❖ The controlling supervisor/commander will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue City limits

Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, but will be prepared regardless of whether the offender(s) escaped or was arrested.

Administrative Review of Pursuits

All vehicular pursuit cases require a review by the Section Commander of the involved officer(s). A summary will be forwarded to the Operations Division Deputy Chief.

A copy of the summary will also be forwarded to the Commander of the Office of Professional Standards. An additional copy of the summary and case report will be sent to the Commander of the Office of Professional Standards to maintain for reporting and analysis at the end of the year.

At the end of the year, the Commander of the Office of Professional Standards will prepare a written analysis of the reports required following a vehicular pursuit. The purpose of this annual vehicle pursuit report is to analyze pursuits for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.

3.00.010 VEHICULAR PURSUITS (CALEA 41.2.2)

Definitions

Dangerous felonies - Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

Divided roadway, highway or interstate - Any roadway having a raised physical obstruction or barrier of any kind separating lanes of traffic moving in opposite directions.

Immediate - Occurring without delay, instant, not separated by other persons or things, being near at hand

Pursuit - A vehicle attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop by a uniformed officer operating a marked police vehicle and giving such signal by using a hand, voice, emergency light or siren, and the driver is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in such a manner as to elude the officer.

If the vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit.

Ramming, or forcing vehicles off the roadway, is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle.

Vehicles Authorized to Engage in Pursuits

❖ Marked Police Vehicles:

Only marked police vehicles equipped with sirens and blue/red lights will engage in vehicular pursuits. Unmarked detective vehicles, staff vehicles, traffic vans, Bike Van, SRO Vehicle, D.A.R.E. Vehicles, Prisoner Vans, and Parking Enforcement Vehicles are prohibited from engaging in pursuits. Portable or magnetic lights do not qualify as adequate equipment for conducting a pursuit. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

❖ Traffic Vehicles without Light Bars

Police officers operating patrol vehicles without roof lights, but having emergency lights visible to both the front and rear of the vehicle, and a siren, may participate in pursuits only until relieved by a fully marked, emergency equipped patrol unit. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor or commander.

The unit may proceed to the location where the pursuit ends to assist other officers. The response shall be governed by the Department's Emergency Driving Response Policies.

❖ Motorcycles

Police Officers operating motorcycle units may participate in pursuits only until relieved by a marked, emergency-equipped police car, unless the controlling supervisor or commander determines that the motorcycle unit is a more effective pursuit vehicle.

❖ K-9 Units - Refer to K-9 manual.

Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off- duty police officers from other agencies) will not participate in pursuit driving situations.

Initiation of a Pursuit

- ❖ Officers may initiate a pursuit only when the need for immediate capture outweighs the danger created by the pursuit itself. Immediate capture shall apply to only the most serious incidents. The circumstances

justifying the decision to pursue must exist at the time of initiation.

- ❖ Pursuits for traffic violations, misdemeanors, gross misdemeanors and property crimes, alone, are prohibited; the infraction or criminal act will not, by itself constitute justification for a pursuit, barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstance must be present prior to the time that a pursuit is initiated.

All pursuits will be continuously evaluated by the officer, the supervisor and the commander for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and commander when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident?
- ❖ If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions
- ❖ Familiarity of officer, supervisor, or watch commander with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued

Felony flight alone is not considered by the Department to be an extraordinary circumstance. The fact that a person attempts to elude a uniformed officer after being requested or signaled to stop does not, in and of itself, justify a pursuit even though the person may be committing "felony flight" as a matter of law (RCW 46.61.024). Felony flight combined with actions indicating a wanton or reckless disregard for community and officer safety can, depending upon existing circumstances, constitute an immediate, real threat to citizen or officer safety sufficient to necessitate and justify a pursuit.

The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190 and 46.61.035 apply only when such vehicles are making use of the statutorily required visual and audible signals. (Also reference RCW 46.37.380(4), 46.61.210(2) and 46.61.264(2)).

Number of Units Involved in a Pursuit

The number of pursuing units should be limited to two vehicles; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). The controlling supervisor will monitor the number of units actively pursuing, and will ensure that the number of units is reasonable, necessary, and safe.

The primary unit is the officer engaged in the pursuit who is closest in proximity to the fleeing vehicle. The secondary unit in a pursuit is responsible for backing-up the primary officer and communicating the details of the pursuit with NORCOM. The controlling supervisor may adjust this responsibility as necessary.

Paralleling

Police units directed to "parallel" the pursuit route will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or commander. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.

Officers' Responsibilities/Accountability

Upon initiation of a pursuit an officer will immediately notify NORCOM of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel
- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/commander and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/commander
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of

danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or commander.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

Prohibited Pursuits

Pursuits other than those recognized as justified by this policy and procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes (of a divided roadway, highway, or interstate) in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

NORCOM Responsibilities

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Watch Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or commander, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

Supervisory Responsibilities

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- ❖ Assigning back-up responsibilities
- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred

- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

Command/Supervisory Accountabilities

The commander or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the commander/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The commander or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

Pursuits from Bellevue into another Jurisdiction

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or commander will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or commander. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or commander determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.
- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or commander will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or commander, and determine our response.
- ❖ **Termination/Evaluation** - If active B.P.D. pursuit is authorized, continuance or termination of the pursuit will be determined by the controlling supervisor or commander.

Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where use of deadly force is appropriate. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or commander must authorize the use of a roadblock. The controlling supervisor, commander, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited
- ❖ The controlling supervisor/commander will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue City limits

Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, but will be prepared regardless of whether the offender(s) escaped or was arrested.

Administrative Review of Pursuits

All vehicular pursuit cases require a review by the Section Commander of the involved officer(s). A summary will be forwarded to the Operations Division Deputy Chief.

A copy of the summary will also be forwarded to the Commander of the Office of Professional Standards. An additional copy of the summary and case report will be sent to the Commander of the Office of Professional Standards to maintain for reporting and analysis at the end of the year.

At the end of the year, the Commander of the Office of Professional Standards will prepare a written analysis of the reports required following a vehicular pursuit. The purpose of this annual vehicle pursuit report is to analyze pursuits for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.

Definitions

Dangerous felonies - Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

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Pursuit - A vehicle attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop by a uniformed officer operating a marked police vehicle and giving such signal by using a hand, voice, emergency light or siren, and the driver is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in such a manner as to elude the officer.

If the vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit.

Ramming, or forcing vehicles off the roadway, is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle.

Vehicles Authorized to Engage in Pursuits

❖ **Marked Police Vehicles:**

Only marked police vehicles equipped with sirens and blue/red lights will engage in vehicular pursuits. Unmarked detective vehicles, staff vehicles, traffic vans, Bike Van, SRO Vehicle, D.A.R.E. Vehicles, Prisoner Vans, and Parking Enforcement Vehicles are prohibited from engaging in pursuits. Portable or magnetic lights do not qualify as adequate equipment for conducting a pursuit. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

❖ **Traffic Vehicles without Light Bars**

Police officers operating patrol vehicles without roof lights, but having emergency lights visible to both the front and rear of the vehicle, and a siren, may participate in pursuits only until relieved by a fully marked, emergency equipped patrol unit. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor or commander.

The unit may proceed to the location where the pursuit ends to assist other officers. The response shall be governed by the Department's Emergency Driving Response Policies.

❖ **Motorcycles**

Police Officers operating motorcycle units may participate in pursuits only until relieved by a marked, emergency-equipped police car, unless the controlling supervisor or commander determines that the motorcycle unit is a more effective pursuit vehicle.

❖ **K-9 Units** - Refer to K-9 manual

Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off- duty police officers from other agencies) will not participate in pursuit driving situations.

Initiation of a Pursuit

- ❖ Officers may initiate a pursuit only when the need for immediate capture outweighs the danger created by the pursuit itself. Immediate capture shall apply to only the most serious incidents. The circumstances justifying the decision to pursue must exist at the time of initiation.
- ❖ Pursuits for traffic violations, misdemeanors, gross misdemeanors and property crimes, alone, are prohibited; the infraction or criminal act will not, by itself constitute justification for a pursuit, barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstance must be present prior to the time that a pursuit is initiated.

All pursuits will be continuously evaluated by the officer, the supervisor and the commander for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and commander when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident?
- ❖ If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions
- ❖ Familiarity of officer, supervisor, or watch commander with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued

Felony flight alone is not considered by the Department to be an extraordinary circumstance. The fact that a person attempts to elude a uniformed officer after being requested or signaled to stop does not, in and of itself, justify a pursuit even though the person may be committing "felony flight" as a matter of law (RCW 46.61.024). Felony flight combined with actions indicating a wanton or reckless disregard for community and officer safety can, depending upon existing circumstances, constitute an immediate, real threat to citizen or officer safety sufficient to necessitate and justify a pursuit.

The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190 and 46.61.035 apply only when such vehicles are making use of the statutorily required visual and audible signals. (Also reference RCW 46.37.380(4), 46.61.210(2) and 46.61.264(2)).

Number of Units Involved in a Pursuit

The number of pursuing units should be limited to two vehicles; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). The controlling supervisor will monitor the number of units actively pursuing, and will ensure that the number of units is reasonable, necessary, and safe.

The primary unit is the officer engaged in the pursuit who is closest in proximity to the fleeing vehicle. The secondary unit in a pursuit is responsible for backing-up the primary officer and communicating the details of the pursuit with NORCOM. The controlling supervisor may adjust this responsibility as necessary.

Paralleling

Police units directed to "parallel" the pursuit route will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or commander. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.

Officers' Responsibilities/Accountability

Upon initiation of a pursuit an officer will immediately notify NORCOM of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel
- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/commander and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/commander
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant

factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or commander.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

Prohibited Pursuits

Pursuits other than those recognized as justified by this policy and procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes (of a divided roadway, highway, or interstate) in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

NORCOM Responsibilities

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Watch Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or commander, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

Supervisory Responsibilities

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- ❖ Assigning back-up responsibilities

- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

Command/Supervisory Accountabilities

The commander or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the commander/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The commander or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

Pursuits from Bellevue into another Jurisdiction

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or commander will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or commander. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or commander determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.

- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or commander will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or commander, and determine our response.
- ❖ **Termination/Evaluation** - If active B.P.D. pursuit is authorized, continuance or termination of the pursuit will be determined by the controlling supervisor or commander.

Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where use of deadly force is appropriate. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or commander must authorize the use of a roadblock. The controlling supervisor, commander, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited
- ❖ The controlling supervisor/commander will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue City limits

Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, but will be prepared regardless of whether the offender(s) escaped or was arrested.

Administrative Review of Pursuits

All vehicular pursuit cases require a review by the Section Commander of the involved officer(s). A summary will be forwarded to the Assistant Chief.

A copy of the summary will also be forwarded to the Commander of the Office of Accountability. An additional copy of the summary and case report will be sent to the Commander of the Office of Accountability to maintain for reporting and analysis at the end of the year.

At the end of the year, the Commander of the Office of Accountability will prepare a written analysis of the reports required following a vehicular pursuit. The purpose of this annual vehicle pursuit report is to analyze pursuits for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files

Definitions

Dangerous Felonies - Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

Divided roadway, highway or interstate - Any roadway having a raised physical obstruction or barrier of any kind separating lanes of traffic moving in opposite directions.

Immediate - Occurring without delay, instant, not separated by other persons or things, being near at hand

Pursuit - A vehicle attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop by a uniformed officer operating a marked police vehicle and giving such signal by using a hand, voice, emergency light or siren, and the driver is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in such a manner as to elude the officer.

If the vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit.

Ramming, or forcing vehicles off the roadway, is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle.

Vehicles Authorized to Engage in Pursuits

❖ Police Vehicles with Light Bars

Only marked police vehicles equipped with sirens and blue/red lights in the form of a light bar will engage in vehicular pursuits. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

❖ Police Vehicles without Light Bars

Police officers operating police vehicles without a light bar, but having emergency lights visible to both the front and rear of the vehicle, and a siren, may participate in pursuits only until relieved by a marked police unit with a light bar. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor. The unit may proceed to the location where the pursuit ends to assist other officers.

The response shall be governed by the Department's Emergency Driving Response Policies.

Prisoner Vans and Parking Enforcement Vehicles are specifically prohibited from engaging in pursuits.

❖ Motorcycles

Motorcycles Police Officers operating motorcycle units may participate in pursuits only until relieved by a marked police vehicle with a light bar unless the controlling supervisor or Captain determines that the motorcycle unit is a more effective pursuit vehicle.

❖ K-9 Units - Refer to K-9 manual

Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off- duty police officers from other agencies) will not participate in pursuit driving situations.

Initiation of a Pursuit

- ❖ Officers may initiate a pursuit only when the need for immediate capture outweighs the danger created by the pursuit itself. Immediate capture shall apply to only the most serious incidents. The circumstances justifying the decision to pursue must exist at the time of initiation.
- ❖ Pursuits for traffic violations, misdemeanors, gross misdemeanors and property crimes, alone, are prohibited; the infraction or criminal act will not, by itself constitute justification for a pursuit, barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstance must be present prior to the time that a pursuit is initiated.

All pursuits will be continuously evaluated by the officer, the supervisor and the Captain for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and Captain when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident?
- ❖ If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Road conditions
- ❖ Familiarity of officer, supervisor, or Captain with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued

Felony flight alone is not considered by the Department to be an extraordinary circumstance. The fact that a person attempts to elude a uniformed officer after being requested or signaled to stop does not, in and of itself, justify a pursuit even though the person may be committing "felony flight" as a matter of law (RCW 46.61.024). Felony flight combined with actions indicating a wanton or reckless disregard for community and officer safety can, depending upon existing circumstances, constitute an immediate, real threat to citizen or officer safety sufficient to necessitate and justify a pursuit.

The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190 and 46.61.035 apply only when such vehicles are making use of the statutorily required visual and audible signals. (Also reference RCW 46.37.380(4), 46.61.210(2) and 46.61.264(2)).

Number of Units Involved in a Pursuit

The number of pursuing units should be limited to two vehicles; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). The controlling supervisor will monitor the number of units actively pursuing, and will ensure that the number of units is reasonable, necessary, and safe.

The primary unit is the officer engaged in the pursuit who is closest in proximity to the fleeing vehicle. The secondary unit in a pursuit is responsible for backing-up the primary officer and communicating the details of the pursuit with NORCOM. The controlling supervisor may adjust this responsibility as necessary.

Paralleling

Police units directed to "parallel" the pursuit route will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or Captain. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.

Officers' Responsibilities/Accountability

Upon initiation of a pursuit an officer will immediately notify NORCOM of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel
- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/Captain and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/Captain
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or Captain.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

Prohibited Pursuits

Pursuits other than those recognized as justified by this policy and procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes (of a divided roadway, highway, or interstate) in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

NORCOM Responsibilities

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or Captain, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

Supervisory Responsibilities

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated

- ❖ Assigning back-up responsibilities
- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

Command/Supervisory Accountabilities

The Captain or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the Captain/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The Captain or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

Pursuits from Bellevue into another Jurisdiction

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or Captain will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or Captain. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or Captain determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department

under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.

- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or Captain will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or Captain, and determine our response.
- ❖ **Termination/Evaluation** - If active B.P.D. pursuit is authorized, continuance or termination of the pursuit will be determined by the controlling supervisor or Captain.

Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where use of deadly force is appropriate. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or Captain must authorize the use of a roadblock. The controlling supervisor, Captain, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited
- ❖ The controlling supervisor/Captain will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue City limits

Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, but will be prepared regardless of whether the offender(s) escaped or was arrested.

Administrative Review of Pursuits

All vehicular pursuit incidents will be entered into BlueTeam with a detailed review conducted by the Division Captain of the involved officer(s). The incident review will be forwarded via the chain of command to the Assistant Chief of the Operations Bureau. Upon completion of the chain of command review it will then be forwarded to the PSU Sergeant for training review.

A copy of the pursuit review with any recommended follow up actions will be forwarded to the Office of Accountability Assistant Chief.

At the end of the year, the Office of Accountability Assistant Chief will prepare a written analysis for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.

3.00.020 RAMMING/FORCING VEHICLES OFF ROADWAY

(CALEA 41.2.2)

Ramming or forcing vehicles off the roadway is to be considered use of potentially deadly force. An officer may use a police vehicle to ram another vehicle only to:

- ❖ Effect the arrest and/or prevent the escape of a person who the officer has probable cause to believe has committed a dangerous felony or poses an immediate, real threat of death or serious bodily harm to others and when not securing the person's immediate apprehension would result in an unacceptable risk to public or officer safety and when any other available means to obtain custody would be ineffective. Always remember, if at all in doubt, do not ram.
- ❖ Protect the person of one's self or another from the imminent threat of death or serious injury.

Officers operating a police motorcycle are prohibited from ramming any vehicle.

While pursuing another motorcycle, officers will not attempt to dislodge the rider by any means.

Ramming or forcing vehicles off the roadway is to be considered use of potentially deadly force. An officer may use a police vehicle to ram another vehicle only to:

- ❖ Effect the arrest and/or prevent the escape of a person who the officer has probable cause to believe has committed a dangerous felony or poses an immediate, real threat of death or serious bodily harm to others and when not securing the person's immediate apprehension would result in an unacceptable risk to public or officer safety and when any other available means to obtain custody would be ineffective. Always remember, if at all in doubt, do not ram.
- ❖ Protect the person of one's self or another from the imminent threat of death or serious injury.

Officers operating a police motorcycle are prohibited from ramming any vehicle.

While pursuing another motorcycle, officers will not attempt to dislodge the rider by any means.

Ramming, or forcing vehicles off the roadway, is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle.

Ramming or forcing vehicles off the roadway is to be considered use of potentially deadly force. An officer may use a police vehicle to ram another vehicle only when necessary to:

- ❖ Effect the arrest and/or prevent the escape of a person who the officer has **probable cause** to believe has committed a dangerous felony (murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon) and where the officer has determined that:
 - The suspect poses an imminent threat of death or serious physical injury to others; and
 - Not securing the suspect's immediate apprehension would result in an unacceptable risk to the public or officer safety; and
 - Any other available means to obtain custody would be ineffective.
- ❖ Protect the person of one's self or another from the imminent threat of death or serious physical injury.

In determining whether the use of this force tactic is necessary, officers shall:

- ❖ Evaluate each situation considering the totality of the circumstances to determine that no reasonably effective alternative to the use of potentially deadly force exists to protect against an imminent threat of serious physical injury or death to the officer or another person;
- ❖ Evaluate that the use of potentially deadly force is a reasonable and proportional response to the imminent threat of serious physical injury or death posed to the officer and/or others;
- ❖ Exhaust all available and appropriate de-escalation and/or less lethal tactics prior to using potentially deadly force when feasible and reasonably safe to do so;
- ❖ If feasible, and if doing so would not increase the danger to the officer or others, the officer should give a verbal warning prior to using potentially deadly force.

Officers operating a police motorcycle are prohibited from ramming any vehicle.

While pursuing another motorcycle, officers will not attempt to dislodge the rider by any means.

The Stop Stick shall be utilized only after supervisory approval. Officers deploying the Stop Stick must have received training in the use of the Stop Stick before utilization.

Officer Communication Requirements

Before utilization of the Stop Stick, all officers involved in the pursuit should be on the same communications frequency. The operator of the Stop Stick should have a portable radio for ready use.

Pursuing officers shall keep officers at the site of the Stop Stick informed of the following:

- ❖ Current location
- ❖ Direction of travel and speed
- ❖ Erratic driving behaviors
- ❖ Possible weapons involved
- ❖ Any other pertinent data to the chase

Deployment

When deploying a Stop Stick, the following precautions should be considered:

- ❖ The operator deploying the Stop Stick should do so from a position of safety
- ❖ The Stop Stick should not be used in locations where specific geographic configurations increase the risk of serious injuries to the operator, violator, or the public (alongside of waterways, embankments, etc.)
- ❖ Traffic cones or road flares should be set up, if possible
- ❖ The Stop Stick should not be deployed on two-way roadways, unless oncoming traffic has been stopped some distance from the actual deployment site

As the fleeing vehicle approaches, the officer should pull the Stop Stick onto the roadway surface, let go of the device, and stand clear.

When nearing the Stop Stick, pursuing officers and the officer deploying the device must maintain communication. The pursuing officers must back off to allow the device to be cleared from the roadway.

Note: The Stop Stick should not be used to stop fleeing motorcycles. The Stop Stick may be used on motorcycles only if the circumstances warrant the use of **Deadly Force**.

Every effort should be made to avoid uninvolved motorists running over the Stop Stick. If an uninvolved motorist does run over the strip, the driver should be contacted by the supervisor, as soon as possible, to explain the situation.

Investigations of Stop Stick Use

If the deployment of the Stop Stick causes a reportable collision, other than damage to tires and wheels, the proper collision investigation shall be conducted.

If the deployment is not part of a vehicle pursuit, a memo detailing the circumstances of the deployment will be prepared and reviewed by the chain of command.

3.00.030 STOP STICK DEPLOYMENT (CALEA 41.2.2)

The Stop stick shall be utilized only after supervisory approval. Officers deploying the stop stick must have received training in the use of the stop stick before utilization.

Officer Communication Requirements

Before utilization of the stop stick, all officers involved in the pursuit should be on the same communications frequency. The operator of the stop stick should have a portable radio for ready use.

Pursuing officers shall keep officers at the site of the stop stick informed of the following:

- ❖ Current location
- ❖ Direction of travel and speed
- ❖ Erratic driving behaviors
- ❖ Possible weapons involved
- ❖ Any other pertinent data to the chase

Deployment

When deploying a Stop stick, the following precautions should be considered:

- ❖ The operator deploying the stop stick should do so from a position of safety
- ❖ The stop stick should not be used in locations where specific geographic configurations increase the risk of serious injuries to the operator, violator, or the public (alongside of waterways, embankments, etc.)
- ❖ Traffic cones or road flares should be set up, if possible
- ❖ The stop stick should not be deployed on two-way roadways, unless oncoming traffic has been stopped some distance from the actual deployment site

As the fleeing vehicle approaches, the officer should pull the stop stick onto the roadway surface, let go of the device, and stand clear.

When nearing the stop stick, pursuing officers and the officer deploying the device must maintain communication. The pursuing officers must back off to allow the device to be cleared from the roadway.

Note: The stop stick should not be used to stop fleeing motorcycles. The stop stick may be used on motorcycles only if the circumstances warrant the use of **Deadly Force**.

Every effort should be made to avoid uninvolved motorists running over the stop stick. If an uninvolved motorist does run over the strip, the driver should be contacted by the supervisor, as soon as possible, to explain the situation.

Investigations of Stop stick Use

If the deployment of the stop stick causes a reportable collision, other than damage to tires and wheels, the proper collision investigation shall be conducted.

If the deployment is not part of a vehicle pursuit, a memo detailing the circumstances of the deployment will be prepared and reviewed by the chain of command.