



College Place Police Department

Memorandum

To: Chief Tomaras

CC: WASPC Accreditation File: 4.3, 15.4

From: Sergeant Schmick

Date: 3/23/2023

Subject: 2022 Pursuit Analysis per Policy 308.12 (e)

DETAILS:

HB 1054 drastically changed pursuit laws in Washington State. The new law ([RCW 10.116.060](#)) prevents law enforcement from engaging pursuits unless the following conditions are satisfied:

THE OFFICER HAS:

PROBABLE CAUSE THAT A PERSON IN THE VEHICLE HAS COMMITTED OR IS COMMITTING A VIOLENT OFFENSE, SEX OFFENSE, AS THOSE TERMS ARE DEFINED IN RCW 9.94A.030, OR ESCAPE UNDER CHAPTER 9A.76 RCW; OR

REASONABLE SUSPICION A PERSON IN THE VEHICLE HAS COMMITTED OR IS COMMITTING A DRIVING UNDER THE INFLUENCE OFFENSE PURSUANT UNDER RCW 46.61.502;

- THE PURSUIT IS NECESSARY FOR THE PURPOSE OF IDENTIFYING OR APPREHENDING THE PERSON;
- THE PERSON POSES AN IMMINENT THREAT TO THE SAFETY OF OTHERS AND THE SAFETY RISKS OF FAILING TO APPREHEND OR IDENTIFY THE PERSON ARE CONSIDERED TO BE GREATER THAN THE SAFETY RISKS OF THE VEHICULAR PURSUIT UNDER THE CIRCUMSTANCES; AND
- THE OFFICER RECEIVES AUTHORIZATION TO ENGAGE IN THE PURSUIT FROM A SUPERVISING OFFICER AND THE SUPERVISING OFFICER HAS SUPERVISORY CONTROL OF THE PURSUIT. (CERTAIN EXCEPTIONS EXIST FOR JURISDICTIONS WITH FEWER THAN 10 COMMISSIONED OFFICERS).
- DEFINES A VEHICULAR PURSUIT.
- PROHIBITS A LAW ENFORCEMENT OFFICER FROM FIRING A WEAPON AT A MOVING VEHICLE, WITH ONE NARROWLY TAILORED EXCEPTION.
- PROHIBITS A LAW ENFORCEMENT OFFICER FROM SEEKING, AND PROHIBITS A COURT FROM ISSUING, A NO-KNOCK WARRANT.



In 2022, the College Place Police Department (CPPD) was involved in seventeen (17) pursuits as a primary unit and two (2) agency assists. All but one pursuit was terminated upon determination of suspects intent to elude.

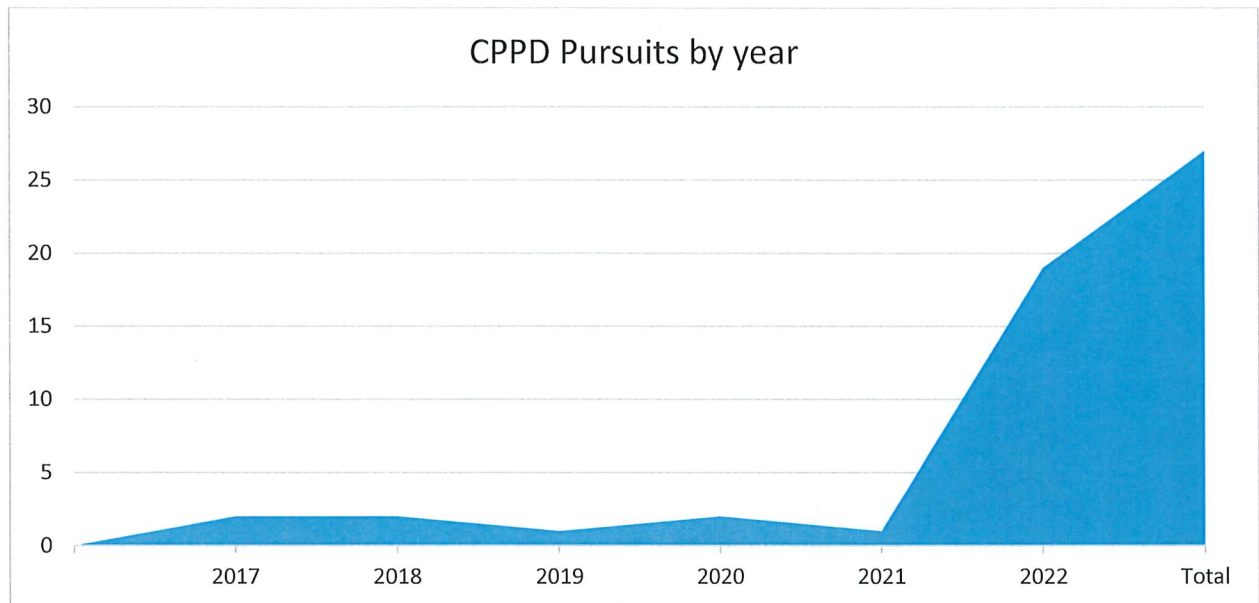
On September 22nd, 2022 Officer Eric Adams was involved in a pursuit of an attempted homicide suspect who had shot a Washington State Trooper. The suspect was stopped by a PIT maneuver performed by Walla Walla Police Department and Officer Adams assisted with the arrest. The SIU investigated the incident.

The CPPD was 100% trained under the new law and our Lexipol Policy for Vehicular pursuits was updated to reflect the new law (Lexipol 308).

The CPPD had 100% attendance of Emergency Vehicle Operators Course training in 2022. This involved a skills course set up at the Walla Walla Airport. The training syllabus is available for review on the Command drive.

All of the CPPD officers reviewed our Stop Stick policy (Lexipol 308.1.9) and watched a training video developed by Stop Stick. A copy of the training roster is available on the command folder for review.

CPPD Pursuit Tracking by year		2017	2018	2019	2020	2021	2022	Total
Number of pursuits		2	2	1	2	1	19	27
Authorized		2	2	1	2	1	1	9
Unauthorized		0	0	0	0	0	0	0
IA Investigation		0	0	0	0	0	0	0



Training recommendations: Ongoing EVOC training along with policy review and discussion to impress the importance of being selective in the reasoning and legal justification for pursuing a fleeing vehicle under current law.

Equipment needs: There were no apparent equipment needs resulting from this analysis.

Policy revision recommendation: Policy revised with new law, July 2021.

Other Recommendations: Continue to work with Legislators to change current pursuit law. Chief Tomaras submitted a letter to City Administrator Mike Rizzitiello and Mayor Hernandez to gain support of revising House Bill 1054 and look for ways to return authority to law enforcement for pursuing criminal suspects. See attached letter.

A handwritten signature in black ink, appearing to read "Dylan E. Schmick".

Sergeant Dylan Schmick

Attachments: Appeal pursuit law letter by Chief Tomaras

October 27, 2022

Dear City Administrator Michael Rizzitiello,

House Bill 1054 was established on July 20th, 2021 as a result of legislative law enforcement reform bills following social injustice concerns. The bill includes restrictions on tear gas, chokeholds, canine deployment, military equipment, uniforms and pursuits.

The heart of this bill involves restrictions on vehicle pursuits. Although the intentions focus on community safety, I would argue it has done just opposite. Under the new law, officers are prohibited from engaging in vehicle pursuits unless they have probable cause the suspect has committed or is committing a violent offense or sex offense. Or, the officer has reasonable suspicion the driver is impaired. This bill also requires a supervisor be on shift during the pursuit which is difficult for small departments like ours.

Having served in law enforcement for over thirty years, I understand the liability of vehicle pursuits. I have personally been involved in pursuits and know how dangerous they can be. This is why we train our officers on weighing the dangers to community versus the need to pursue a fleeing vehicle. Historically, the balance of these decisions has always involved the type of crime involved, location, time of day, recklessness of the offender and weather. We have always held strict policies to guide our officers to include supervision requirements, accountability and even discipline if officers violate these policies.

Over the last five years prior to this new law, the College Place police department has averaged one pursuit (Vehicle elude) per year. Each of those pursuits were terminated by the officer for public safety. Since HB 1054 began the College Place Police Department has been involved in 16 eluding vehicle incidents (pursuits). That is a 1500% increase in eluding vehicles for our small community.

The consequences of this bill are impacting communities across the state. Criminally minded individuals have been emboldened to elude. They simply fail to comply without consequence. And in many cases this has endangered the officers and the community. There are countless stories across the state of Washington involving criminally minded individuals taking advantage of this law.

I respectfully request help to recall this bill and re-establish authority to law enforcement to maintain discretion involving eluding vehicles.

Sincerely,

Troy Tomaras
Chief of Police
College Place Police Department