

#### 15.1.2 Vehicle Pursuit Operations

The DuPont Police Department recognizes that under RCW 46.61.035, Officers have the legal right and duty to apprehend offenders who flee from the police and present a threat to the public. No pursuit shall be initiated for a traffic infraction, equipment violation, or misdemeanor crime. Officers shall not engage or participate in pursuits of motorcycles unless deadly force is justified or the pursuit is associated with the commission of a serious felony crime against persons.

Every Department member engaging in a pursuit must be able to articulate what conditions were present that justified the pursuit. Officers and sergeants will not pursue traffic violators or misdemeanor crime violations unless the necessity to apprehend the violator outweighs the danger posed to the public.

##### **A) Definitions** (as applied to this Policy)

- **Vehicular Pursuit** – An active attempt by an Officer to apprehend a suspect who willfully fails to immediately bring their vehicle to a stop and drives in an evasive manner while attempting to elude a pursuing police vehicle.
- **Failure to Yield** – Where an Officer attempts a traffic stop and the driver fails to immediately bring his or her vehicle to a stop and drives in manner that

does not violate traffic laws, does not attempt to evade or elude the officer and does not pose an immediate threat to community safety.

- **Officially Marked Patrol Vehicle** – An officially marked patrol vehicle is a vehicle issued by the Department equipped with emergency lights and siren and operated by a commissioned DuPont Police Department Officer.
- **Supervisor** – A Supervisor shall be a fully commissioned Supervisor of the rank of sergeant or above or the officially appointed acting sergeant or above.
- **Primary Unit** – The primary unit is the Officer who is closest to the fleeing vehicle.
- **Secondary Unit** – The second Officer to engage in a pursuit, whether upon the request of the primary Officer or Supervisor.
- **Third Unit** – Requested or assigned third unit.

#### **B) Guidelines**

- No more than three patrol units should be committed as pursuit vehicles, unless the Supervisor or primary unit specifically advises that additional units are needed to safely affect the arrest of the suspect(s).
- Officers involved in pursuits shall use their radio call number with all radio transmissions, whenever possible.
- Officers transporting persons other than commissioned Officers should not participate in pursuits except in circumstances where there is an imminent threat to human life.
- Officers should not pursue while transporting a prisoner except in circumstances where there is an imminent threat to human life.
- Motorcycle and unmarked units should not participate in pursuits except in extreme circumstances. These units should be relieved by an officially marked patrol vehicle as soon as possible. Continued motorcycle involvement shall be approved by an on-duty Supervisor.
- Roadblocks/Rolling Roadblocks should not be employed except as a last resort necessitating the application of deadly force to a life-threatening suspect.
- A multiple unit, rolling slow-down may be used on a highway or interstate.

#### **15.1.3 Initiation / Termination of a Pursuit**

##### **A) Initiation Phase**

Officers may initiate a vehicular pursuit when, in the Officer's reasonable judgment, an **actively resistant** subject:

- Presents, or has presented, an **imminent threat** of death or serious bodily harm **and/or**
- The severity of the crime or circumstances, other than the eluding itself, necessitates immediate apprehension.

The serious risks created during a pursuit require a Police Officer to weigh many factors when deciding whether or not to pursue the violator. The Officer

should consider the overall circumstances in relation to the danger posed to the community and other Officers when deciding to initiate, or terminate the pursuit of a vehicle.

#### **B) Termination of a Pursuit**

The decision to terminate a pursuit can be made by the primary Officer or ordered by a Supervisor at any time during the pursuit.

Officers shall terminate a vehicular pursuit when, but not limited to one or more of the following circumstances are present:

- Ordered to terminate by a Supervisor;
- In the pursuing Officer's judgment, the risks to self and/or public outweigh the necessity for immediate apprehension;
- The distance between the Officer and offender is so great that further pursuit would be futile;
- A change in roadway, vehicle, pedestrian, or weather conditions occur that significantly increase the risk of danger to the public and Officers;
- Malfunctions occur with the pursuing emergency vehicle equipment which would make continuation a significantly greater risk to the public or Officers.
- Officer's unfamiliarity with the area.

Upon termination, Officers will cease following the suspect vehicle and advise South Sound 911 dispatch that they have terminated the pursuit. This includes shutting down their emergency lights and siren.

#### **C) Primary Unit Responsibilities**

The primary unit is the Officer who is closest to the fleeing vehicle.

1) The primary unit shall advise South Sound 911 of the following, but not limited to:

- Unit identification;
- Reason for the pursuit;
- Location, direction of travel, speed, and traffic volume on a continuous basis;
- Description of the fleeing vehicle and license number, if known;
- Description of the suspect driver, if known;
- Number of occupants;

2) Notification and reporting requirements:

- Notify immediate Supervisor;
- Refer to actions in the incident report narrative.

#### **D) Secondary Unit Responsibilities**

The secondary unit shall assume primary responsibility for radio communications and shall replace the primary unit in the event the primary unit cannot continue.

#### **E) Third Unit Responsibilities**

The third unit shall have the following responsibilities, but not limited to:

- Replace either of the first two units in the event that one of them becomes disabled or is otherwise unable to continue the pursuit;
- Discontinue the pursuit and render aid in the event of a collision involving third parties;
- Be in a position at the point of pursuit termination to implement a felony stop, containment, or apprehension of fleeing suspects or to provide traffic control as necessary;
- In the event that the PIT technique is utilized, the third unit will assist the secondary unit in pinning the vehicle.

#### **F) Assisting Units**

Other patrols near the pursuit area shall monitor the progress of the pursuit. They shall not directly engage in the pursuit unless requested by the primary unit or directed by a Supervisor. These units should be ready to replace any assigned unit in the event they cannot continue. They should be in position to respond to any collision that may result from the pursuit. Other Officers should make attempts to safely stop traffic at intersections in the path of the pursuit of in on a multi-lane highway or interstate, utilize a rolling slow-down. These units should also make attempts to safely respond to a location where they can deploy tire deflation devices. Backup units should be available to assist in the apprehension of the suspects or provide any needed traffic control at the termination of the pursuit.

#### **G) Supervisor Responsibilities**

Upon notification of a pursuit, an on-duty Supervisor shall assume Supervisory command of the pursuit and will direct tactics as needed. In controlling the pursuit, the Supervisor shall be responsible for, but not limited to, the following:

- Advise South Sound 911 via radio that they are monitoring/directing the pursuit;
- The Supervisor shall order the termination of the pursuit if at any time the danger to the public or the involved Officers outweighs the immediate need for apprehension of the offender. It is not necessary that the Supervisor be on scene to control and direct the pursuit;
- Directing support units in and out of the pursuit;
- The approval, disapproval, and coordination of pursuit tactics;

- The determination to cross jurisdictional boundaries during the pursuit;
- The Supervisor shall continually assess the pursuit;
- Investigate and review the incident;
- Make sure a Use of Force report is completed and investigate the pursuit for policy violations. Once the investigation is complete, make a recommendation and forward through the chain of command for review.

#### **H) Chain of Command Responsibilities**

- Review the Use of Force report;
- Make comments if necessary.

#### **I) Multi-Jurisdictional Vehicular Pursuits**

DuPont Officers pursuing vehicles into another jurisdiction shall maintain authority and responsibility for the pursuit. A request should be made to the agency with jurisdiction to take over the primary pursuit position, and the pursuing Officer should assume a secondary role. If DuPont units continue a pursuit into another jurisdiction, responsibility for their continued involvement rests with the DuPont Supervisor. All DuPont Police Department policy/procedures pertaining to pursuits are applicable to Officers assisting another jurisdiction in a pursuit or participating in a pursuit in another jurisdiction.

When a police pursuit is originated by another jurisdiction and enters the City of DuPont, an on-duty Supervisor will advise South Sound 911 to clear the air with the alert tone and give continual updates on the progress of the pursuit while it is within the city limits. If possible, South Sound 911 will patch the pursuing agency onto a common channel. The on-duty Supervisor will determine what assistance (i.e. tire deflation devices, PIT, and/or taking over primary pursuit functions) is to be rendered and make assignments accordingly. DuPont Officers will render reasonable assistance to end the pursuit as quickly as possible.

#### **J) Post Pursuit Requirements**

- At the conclusion of a pursuit, even if the pursuit was terminated with no apprehension, the Supervisor shall ensure a Department incident report is completed. The pursuing officer or Supervisor shall complete the Use of Force (UOF) and forward it through the chain of command for review. The chain of command will review the Use of Force report and make comments if necessary.
- The patrol shift Supervisor shall conduct a department critique of the pursuit for training purposes at the next department meeting.

- All pursuits that result in death, serious injury, or major property damage will be investigated by the Metro Collision Response Team.
- In the event an incident progresses beyond "Failure to Yield" and neither a stop ensues or "Vehicle Pursuit" initiated, the CAD disposition must state – Failure to Yield.