

### **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.