



Memorandum

TO: Chief Fisher *kef*

FROM: Assistant Chief D. Woods / Chief Peter Fisher

DATE: March 21, 2022

SUBJECT: Annual Vehicular Pursuit Recap for 2021

Background:

Assistant Chief Woods completed the review and analysis. The report was submitted to Kari Madore for review and editing. Prior to the recommended changes made by Kari Madore, Assistant Chief Woods retired. I reviewed this report and the supporting documentation. I accepted the recommended changes and made minor word changes.

Introduction:

Per Policy 307 and WASPC Accreditation Standard 4.3, the Fife Police Department conducts an annual analysis of all vehicular pursuit reports in an effort to identify patterns or trends that may indicate a need for training, equipment, or policy revisions.

In 2021, the Fife Police Department was involved in six (6) vehicular pursuits. On July 25, 2021, HB 1054 was signed into law creating new restrictions on vehicular pursuits. With the change in law, one (1) of the six (6) pursuits the Fife Police Department was involved in was deemed out of policy.

Analysis of Findings:

Police pursuits of fleeing subjects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. Police pursuits are inherently dangerous, can be considered a use of force, and are closely scrutinized.

On July 25, 2021, Washington State signed into law HB 1054 that addressed several areas regarding Police Use of Force, including vehicular pursuits. HB 1054 specifically addressed the following areas of police pursuits, limiting them to the following scenarios, impacting the Fife Police Department Pursuit Policy:

- There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense, or an escape;
- The pursuit is necessary for the purpose of identifying or apprehending the person;

- The officer has received authorization to engage in the pursuit from a supervisor and must consider alternatives to the pursuit.
- The supervisor authorizing the pursuit must consider the justification of the pursuit, safety considerations to include speed/weather/traffic/road considerations, known presence of minors, and the pursuit must be terminated if any requirements are not met.

The legislative changes regarding vehicular pursuits placed increased scrutiny on department pursuit policies, required updates to existing policies, and department training while placing additional responsibilities and liabilities onto the officer, supervisor, and police department.

At the conclusion of each pursuit, the initiating and each participating officer is required to complete a pursuit report, which is forwarded through their supervisor and reviewed by command staff. The administrative review process is to evaluate decisions to pursue, departmental policy, traffic conditions, the severity of the crime, fleeing driver's actions, and the risk to the motoring public. Each pursuit is reviewed for department policy and continuing education and training for our officers. This information is passed to our Metro EVOC training cadre for review and incorporation into their training plan.

One (1) of the six (6) pursuits resulted in a force application with the suspect fatally injured. Although Fife Police Officers initiated the pursuit, the Washington State Patrol employed the force application. As a result of the force application, the Pierce County Force Investigation Team (PCFIT) completed the investigation. As the investigation was just recently submitted for review to the Pierce County Prosecutor's Office, the Fife Police Department is waiting for the decision and investigation files from the Pierce County Prosecutor's Office before beginning an administrative review.

The six (6) documented pursuit incidents are the same number as documented in 2020. As stated earlier, 2021 held two sets of standards to initiate a pursuit per Fife Police Department policy. For the first half of 2021, officers were allowed to pursue violent offenders based on reasonable suspicion. On July 25, 2021, legislative changes required probable cause to initiate a pursuit. The six pursuits were reviewed in a variety of categories, including the following:

- Initiating factors for the pursuit
 - Three (3) of the pursuits began as attempting to stop a stolen vehicle.
 - Three (3) of the pursuits began as attempting to stop a vehicle involved in an armed robbery.
- Day of the week, time of day
 - Pursuits occurred on Saturday @ 0608 hours, Sunday @ 0130, Sunday @ 0228 hours, Monday @ 0915 hours, Tuesday @ 0931 hours and Friday @ 0550 hours.
- Roadway conditions
 - Three (3) occurred during light traffic conditions.
 - Three (3) occurred during heavy traffic conditions.
- Weather conditions
 - All pursuits occurred under dry conditions.
- Locations
 - Five (5) were initiated along Pacific Highway East.
 - One (1) was initiated in the 2500 block of Frank Albert Rd.
- Fleeing driver's actions
 - In five (5) of the six (6) pursuits, the fleeing driver eluded with excessive speed.
 - In two (2) of the six (6) pursuits, the driver struck an object while fleeing.
- Officer decision to continue, supervisor authorization
 - One (1) pursuit resulted in a P.I.T. application with the suspect safely taken into custody.
 - Three (3) of the pursuits were cancelled by the officer, either prior to engaging in the pursuit or during the pursuit, where factors surrounding the pursuit warranted termination.
 - One (1) pursuit resulted in the suspect's vehicle becoming disabled, and the suspect was safely taken into custody.

- One (1) pursuit is still under review.
- Injuries, property damage
 - One (1) fatality of the suspect driver.
 - In the two (2) incidents in which objects were struck:
 - One (1) struck landscaping rocks, which eventually disabled the vehicle. No damage to landscaping rocks.
 - One (1) driver attempted to elude officers by driving through several business gates, causing significant property damage.

In four (4) of the six (6) pursuits, Fife officers used sound judgment when faced with a fleeing vehicle. Officers' knowledge of policies, the severity of the crime, on-view of drivers' actions, risks to the motoring public, and the immediacy of taking the subject into custody were taken under consideration. One (1) pursuit has yet to be administratively reviewed.

One (1) pursuit was deemed outside of policy. This incident occurred after new legislation, with the officer assisting another agency with an armed robbery without establishing their own probable cause and failing to obtain supervisor authorization. The officer terminated this incident and it was used as an educational opportunity for the Fife Police Department post legislation. The officer did receive a coach/counseling as a result of the review.

All pursuit incidents are entered into a national database through IACP Pursuits.com.

Recommendations:

The Fife Police Department participates in the biennial Emergency Vehicle Operators Course (EVOC) with a cooperatives cities coalition to provide the highest level of training with the lowest impact on the department. The cooperatives cities coalition is comprised of Pierce County agencies with similar policies on pursuit driving. Each year, the instructor cadre reviews legislation, past police collisions and police pursuits. Although the training has the basic driving techniques, training is based on realistic training scenarios and officer decision-making. Staples of the training include P.I.T., pursuit driving, skills course to include backing, stop stick safety review, and application.

The Fife Police Department has a Sergeant or Officer-In-Charge on all shifts monitoring potential pursuit situations. Once a pursuit is initiated, the officer is required to complete a pursuit report. This report is reviewed by a Sergeant, the Assistant Chief of Patrol, and the Assistant Chief of Administrative Services.

The Fife Police Department is also fortunate to have the City Prosecutor actively involved in new legislation and provide continuous narrated PowerPoint legal presentations throughout the year. In 2021, the Fife Police Department updated its policy on pursuit driving to reflect legislative changes. Any future legislative changes will be reviewed and implemented into policy.

Based on the incidents described above, I recommend continuing the biennial EVOC training program with the cooperative cities coalition. This proven program reinforces department policies, best practices, and proper decision-making.

Respectfully submitted,

A handwritten signature in blue ink, consisting of stylized initials followed by a long horizontal stroke.

P. Fisher #202