



City of Battle Ground Police Department

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INTEROFFICE MEMORANDUM

To: Chief Mike Fort

From: Lt. Kim Armstrong

Date: 02/07/2023

Subject: 2022 Analysis of Battle Ground Police Vehicle Pursuits

RCW 46.61.024-Attempting to elude a police vehicle

Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

BGPD Policy 200-34 Definition of Vehicle Pursuits

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.

BGPD Policy 200-34.30 Vehicle Pursuits

Pursuits other than those authorized by this policy are specifically prohibited. The primary considerations when determining whether to initiate, discontinue or terminate a vehicle pursuit or to conduct an emergency response, are public safety and the safety of officers. All personnel shall balance the necessity for immediate apprehension against the danger to life and property inherent in pursuit situations and situations requiring an emergency response.

BGPD Pursuit Review Process

A three level review takes place to analyze each pursuit to ensure they hold true to the law, policy, and to department training.

BGPD Pursuit Statistics and Trends

	2020	2021	2022
Total number of pursuits	0	1	1
Day pursuits	0	0	0
Night pursuits	0	1	1
Pursuits ruled “within policy”	0	1	0
Pursuits ruled “outside of policy”	0	0	1

Concluding Events	2020	2021	2022
Pursuits discontinued by officer	0	0	0
Pursuits discontinued by sergeant	0	0	0
Collision with a fixed object	0	1	1
Stop stick	0	0	0
Vehicle voluntarily stopped	0	0	0

There was one pursuit in 2022 by one officer of the Battle Ground Police Department. This was the same number as in 2021 and, on average, still lower than pre-pandemic and pre-police reform law years.

Analysis of Vehicle Pursuits

The analysis of our pursuit data shows no increase in pursuits compared to the previous year (1 to 1). This trend in low pursuit numbers is understandable and was expected due to significant change in laws governing police pursuits that went into effect in July of 2021. The new laws require a higher level of justification for officers to engage in pursuits and prohibit pursuits when a supervisor is not on duty. The one pursuit that did take place in 2022 was found outside of policy, law, and training due to the officer not having the legal justification required to engage in the pursuit or the required supervisor approval. Since our policy strictly mirrors the law, and likewise our training supports law and policy, the pursuit was deemed outside of all three administratively reviewed areas. The officer received remedial training and a supervisory counseling regarding the out of policy pursuit.

Our pursuit review process did not change in 2022. We still require a three-part, administrative review process where the pursuit is reviewed first by a patrol or detective sergeant then by a lieutenant and finally by the Chief of Police.

A review of officer cases in EIS show that officers understand department policy and the new laws. Several reports articulate officers’ decisions NOT to pursue due to lack of probable cause, not having a qualifying crime, etc.

Based on the data, it is clear that, with the exception of the one officer mentioned above, Battle Ground officers understand the intent, guidelines and restrictions of the pursuit policy and the law.

Policy Considerations

Our policy underwent significant revisions in 2021 in order to comply with the new laws governing vehicle pursuits. Our policy and associated pursuit forms were vetted by the city attorney in 2021. As much as possible, department policy intentionally mirrors state law. All officers received training on the revised vehicle pursuit policy prior to it going into effect in July of 2021 and the policy was reviewed at the squad level again in October of 2022 concurrent with scheduled EVOC training.

Training Considerations

BGPD officers participated in EVOC training in 2022 at PIR. We currently have three certified EVOC instructors and one officer who has been selected but is awaiting an open EVOC class. Three BGPD instructors assisted in the 2022 EVOC training at PIR. As a small agency group we identified training equipment needs for EVOC and BGPD purchased a few of the needed items including hazard flags, a tire pressure gauge and a small tool box and tools.

The small agency EVOC group intended to provide stop stick training during the EVOC training at PIR, however, logistically there was not enough time to accomplish this training. BGPD has not had stop stick refresher training in over two years and should make plans to ensure this training takes place in 2023 even if it needs to be done during department in service or via roll call training. Due to time constraints at PIR it is not feasible to count on stop stick training taking place there. Lastly, an annual review of our vehicle pursuit policy should take place in October of 2023 to coincide with EVOC training. It would be helpful to include a table top exercise with this policy review to ensure officer understanding of the legal requirements for engaging in a pursuit.

Recommendation

Based on this analysis, at this time, our pursuit policy is effective and I do not have any recommendations for revisions at this time. Currently there are proposed house bills in legislation to further revise laws governing vehicle pursuits. We should continue to monitor the status of the house bills to evaluate the need to update department policy.

Our department should continue to participate in EVOC training as planned for 2023 with the smaller agencies and make it a point to ensure all 4 EVOC instructors have a chance to assist with the training.



Reviewed by Mike Fort, Chief of Police

2-23-2023
Date