

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Attempting to Elude - Refers to the actions of a vehicle operator who, after being given a visual or audible signal to bring the vehicle to a stop, fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing law enforcement vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - The intentional and forced rotational contact of a non-compliant suspect vehicle by a pursuing police vehicle in an effort to stop the suspect's flight or illegal activity.

Ramming - The deliberate act of impacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicle.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - 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. (RCW 10.116.060)

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307.2 PURSUIT DECISION MAKING

Officers may not engage in a vehicle pursuit unless

- (a) (i) Probable cause exists to believe a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9A.030, or an escape under RCW 9A.76, or (ii) there is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502; and
- (b) The pursuit is necessary for the purpose of identifying or apprehending the person; and
- (c) 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
- (d) The officer has received authorization to engage in the pursuit from the supervising officer.

For the purpose of this section, if there is no shift supervisor on-duty at the time of the incident, the senior officer not involved in the initial pursuit shall be considered the supervisory officer. The supervisory officer must consider alternatives to engaging in a pursuit, as well as the justification for the vehicular pursuit and other safety considerations, including but not limited to:

- The speed, weather, traffic, and road conditions, and
- The known presence of minors in the vehicle.

If any of the requirements in this section are not met then the pursuit must be terminated.

307.2.1 FACTORS TO CONSIDER WHEN INITIATING A PURSUIT

Officers shall consider the following factors in deciding whether to initiate a pursuit:

- (a) Capabilities and resource availability
 - 1. Driving capabilities of pursuing officers under the conditions of the pursuit.
 - 2. Vehicle performance capabilities under the conditions of the pursuit.
 - 3. Radio communications quality between the pursuing units and the dispatcher and supervisor, if available.
 - 4. Other resource availability, such as aircraft.
- (b) Danger to persons
 - 1. General public.
 - 2. Occupants of pursued vehicle.
 - 3. Passengers in a pursuing vehicle. An officer shall not initiate or participate in a pursuit when a prisoner is in his or her vehicle.
- (c) Environment
 - 1. Area type (e.g., residential, open highway, business district, school zone).
 - 2. Vehicle and pedestrian traffic volume.

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3. Time of day.
 4. Road conditions.
 5. Weather.
- (d) Suspect
1. Apparent nature of crime that the fleeing suspect is believed to have committed (e.g., whether the suspect represents a serious threat to public safety).
 2. Whether the suspect's identity has been verified and the likelihood the suspect could be apprehended at a later time.
 3. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
 4. Suspect's driving, including vehicle speed, relative to the surrounding conditions.

307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue

In addition to the factors listed in when to initiate a pursuit the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (e) Directed by a supervisor.

307.2.3 FOLLOWING FLEEING VEHICLES

After a decision not to pursue a vehicle or to terminate a pursuit, officers may attempt to follow a fleeing vehicle for the purpose of gathering information that may help identify any suspects.

When doing so, officers shall adhere to all traffic regulations, including posted speed limits, and deactivate all emergency lights and sirens.

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307.3 PURSUIT DRIVING

Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or asked to do so by the primary unit.

Officers, considering their driving skills and vehicle performance capabilities, will space themselves for other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other pursuing vehicles.

As a general rule, officers should not pursue a vehicle driving left of center (wrong Way) on a freeway or other divided highway. In the event the pursued vehicle does so, the following tactics should be considered:

- Requesting assistance from an air unit.
- Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
- Asking other units to observe exits available to the pursued vehicle.

307.4 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (RCW 46.61.035):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing parking, direction of movement or turning in specified directions.

307.4.1 PRIMARY UNIT RESPONSIBILITIES

The officer who initiates the pursuit will be the primary unit. This unit is responsible for apprehension of the suspect(s) without unreasonable danger to themselves or other persons. In addition, the primary unit is responsible for:

- Notifying Whatcom 9-1-1 that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:
 - Reason for the pursuit.
 - Location and direction of travel.
 - Speed of the fleeing vehicle.
 - Description of the fleeing vehicle and license number, if known.
 - Number of known occupants.

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- The identity or description of the known occupants.
- Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- Weather, road, and traffic conditions.
- Broadcasting the pursuit's progress. Whenever possible, the primary unit should relinquish this responsibility to a secondary unit or aircraft in order to concentrate on the pursuit driving.

307.4.2 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) Notifying dispatch of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary officer.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.4.3 THIRD UNIT

When available, a third unit may join a pursuit. The third unit's responsibilities are:

- Notifying dispatch of entry into the pursuit.
- Remaining a safe distance behind the pursuit unless asked or directed to assume the role of the primary unit.
- Assisting with pursuit interventions
- After the pursuit concludes, assisting with tasks such as taking suspects into custody and traffic control

307.4.4 SUPERVISING OFFICER

The supervisory officer shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The supervisory officer has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The supervisory officer has the primary responsibility for:

- Calling for termination of the pursuit, should pursuing officers fail to do so when the facts available do not justify its continuance.
- Directing the pursuit, including the involvement of all units and officers associated with the pursuit.
- Going to the scene of stopped vehicles when the pursuit concludes, when practicable.
- Assuring that appropriate personnel are notified in the event there is a collision involving a police vehicle resulting in injury or death to any party.
- Coordinating requests for assistance to or from other agencies.

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- Designating a primary frequency to be used in multi-agency pursuits.

307.4.5 EMERGENCY EQUIPMENT

Ferndale Police Department vehicles directly involved in vehicle pursuits shall drive with emergency lights, and sirens as required, activated in accordance with RCW 46.61.035 for exemption from compliance with the rules of the road.

Because exemptions provided by RCW 46.61.035 do not apply to officers using vehicles without emergency equipment, vehicles not equipped with emergency lights and sirens are generally prohibited from initiating or joining any pursuit. However, officers in such vehicles may become involved in emergency activities involving serious crimes or life threatening situations. Such officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of properly-equipped vehicles.

307.4.6 MOTORCYCLES AND SPECIALTY VEHICLES

Officers operating sport utility vehicles, unmarked vehicles, or motorcycles shall be cognizant of the limitations and operating specifications of such vehicles and shall operate within such parameters. Uniformed officers operating patrol vehicles equipped with emergency lights and sirens should replace motorcycles or other specialty vehicles as soon as practicable.

307.4.7 UNIFORMS

In order to fully support charging suspects with attempting to elude, any officer who initiates a pursuit while not in uniform should ask to be replaced by a uniformed officer in a properly equipped patrol vehicle as soon as practicable (RCW 46.61.024).

307.5 COMMUNICATION

- A. Radio: Officers should normally conduct pursuits on the primary Ferndale radio channel. However, if units from other agencies become involved and/or the pursuit leaves or is about to leave Whatcom County, unit handling pursuit communications or the supervisor may direct units to switch to a radio channel that is most accessible by participating agencies and units.
- B. Notifications: The unit handling pursuit communications or the supervisor should ensure that dispatch notifies appropriate agencies of the conduct or approach of a pursuit, normally to include the Washington State Patrol.

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to ask the other agency to assume the pursuit.

307.6.1 FLIGHT INTO CANADA

Officers may not pursue a fleeing vehicle into Canada. They should report to the port of entry to exchange information with Canadian authorities when a fleeing vehicle enters Canada.

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307.6.2 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue a pursuit when advised that another agency has assumed the pursuit and assistance of the Ferndale Police Department is no longer needed. The primary unit may proceed to the termination point to assist in the investigation with permission from the supervisory officer.

307.6.3 PURSUITS IN FERNDAL JURISDICTION

Officers shall not become actively engaged in pursuits initiated by another agency unless specifically asked to do so by the pursuing agency, or there is not time for such a request and it is readily apparent joining the pursuit is in the interest of public safety and in accordance with this policy. Any officer joining another agency's pursuit shall notify dispatch and the shift supervisor (if on-duty) as soon as practicable.

A supervisor (if on-duty) shall evaluate requests for assistance and will assign or allow officers to assist only if the pursuit meets the criteria of this policy. If the pursuit should be discontinued per this policy, the supervisor or participating officers will advise the primary agency and will cease to participate.

307.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through application of tactics or technology.

307.7.1 WHEN USE AUTHORIZED

Any pursuit intervention tactic, depending upon the circumstances under which it is used, may present dangers to the public, officers or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to constitute deadly force. The use of any technique must be consistent with the Ferndale Police Department Use of Force policy.

In deciding whether to use intervention tactics, officers and supervisors should balance the risks of allowing the pursuit to continue with the potential hazards. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision. Officers must act within the bounds of legality, good judgment and accepted practices.

307.7.2 INTERVENTION STANDARDS

- (a) 1. Pursuit Intervention Technique (PIT)
 - Only officers trained in the use of the Pursuit Intervention Technique (PIT) are authorized to use it.
 - Officers should obtain supervisory approval before using the PIT at speeds above 40 miles per hour, when practicable. This shall not be construed to limit the use of the PIT to protect the lives of the public, officers or occupants of the pursued vehicle should they be in imminent danger of serious injury or death.

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- Officers must consider the additional risk of rollover when deciding whether or not to employ the PIT on utility vehicles or other vehicles with high suspensions or oversized tires.
 - Using PIT on vehicles with less than four wheels (e.g., motorcycles) is normally considered deadly force and should only be done when such force is authorized.
2. Ramming
- Ramming a vehicle is normally considered deadly force and should only be done when such force is authorized.
3. Roadblocks
- Roadblocks are normally considered deadly force and should only be done when such force is authorized and with prior supervisory approval. Roadblocks may be used only under extraordinary conditions when all other reasonable intervention techniques have failed or would likely be ineffective.
 - Roadblocks should be clearly visible to oncoming traffic and include an escape route.
 - Under no circumstances will officers use occupied vehicles as part of a roadblock.
4. Spike Strips
- When a pursuit begins, units that are equipped with spike strips should move to locations that will allow them to intercept the pursuit and safely deploy their spike strips. Spike strips should only be used when the deploying officer can communicate directly with pursuing units.
 - Using spike strips on a motorcycle (two- or three-wheeled) is normally considered deadly force and should only be done when such force is authorized.
 - Officers deciding whether to deploy spike strips should consider the additional risks associated with doing so in areas such as alongside rivers or steep embankments, around blind corners, etc.
 - Officers should not deploy spike strips on two-way roadways when there is oncoming traffic in the immediate vicinity. Any oncoming traffic should be stopped far enough from the planned deployment site so that a deployment would not endanger oncoming traffic if the violator should swerve into the oncoming lane.
 - Officers should make every effort to ensure only the fleeing vehicle runs over the spike strips. However, if the totality of the circumstances, accounting for any danger posed to pursuing or uninvolved vehicles, warrants the use of spike strips, officers may deploy the spike strips. Officers shall contact the owner of any

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uninvolved vehicle affected by the spike strips as soon as practicable and:

- Explain the situation
- Provide information that will allow the owner to seek reimbursement from the City of Ferndale for any damages.
- Provide assistance (e.g., arrange for tow at the city's expense when necessary) when affected vehicles are disabled.
- Officers will document damage to uninvolved vehicles in a separate report.

307.7.3 USE OF FIREARMS

Officers shall not fire a weapon at a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purpose of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

307.8 REPORTS

The primary pursuing officer's responsible for completing an incident report that documents the pursuit. All other officers directly involved in the pursuit will document their involvement under the same case number. At a minimum, the report should detail:

- (a) Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
- (b) The violation that caused the pursuit to be initiated.
- (c) The identity of the officers involved in the pursuit.
- (d) The means or methods used to stop the suspect being pursued.
- (e) The charges the suspect was arrested for.
- (f) The conditions of the pursuit, including, but not limited to, all of the following:
 - 1. Duration
 - 2. Mileage
 - 3. Number of officers involved
 - 4. Maximum number of units involved
 - 5. Time of day
 - 6. Weather conditions
 - 7. Maximum speeds
- (g) Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.

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- (h) Whether the pursuit involved multiple agencies.
- (i) How the pursuit was terminated.
- (j) After first obtaining available information, the supervisor shall promptly advise the command staff (Chief, Patrol Lieutenant, Administrative Lieutenant) via email a summary of the pursuit. If no supervisor is available, the primary officer will be responsible to provide the summary. The summary should at a minimum contain:
 - 1. Date and time of pursuit
 - 2. Length of pursuit
 - 3. Involved units and officers
 - 4. Initial reason for pursuit
 - 5. Starting and termination points
 - 6. Disposition: arrest, citation, arrestee information
 - 7. Injuries and/or property damage
 - 8. Medical treatment
 - 9. Name of supervisor at scene
 - 10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

The supervisor who reviews the report should forward it to Emergency Vehicle Operations Course (EVO) instructors for review.

307.9 TRAINING

All officers will participate in annual training on this policy.

307.10 PURSUIT ANALYSIS

At least annually, the Operations Division Lieutenant should prepare an analysis report on vehicle pursuit incidents and submit the report to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) Summary of the number of pursuits, reasons for initiation, how pursuits were terminated, injuries and damages sustained, percentage of pursuits found in compliance with policy, etc.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.