



City of Battle Ground

Police Department

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INTEROFFICE MEMORANDUM

To: Interim Chief Mike McCabe

From: Lt. Jim Keller

Date: January 5, 2024

Subject: 2023 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 department training.

BGPD Pursuit Statistics and Trends

	2021	2022	2023
Total number of pursuits	1	1	4
Day pursuits	0	0	1
Night pursuits	1	1	3
Pursuits ruled “within policy”	1	0	4
Pursuits ruled “outside of policy”	0	1	0

Concluding Events	2021	2022	2023
Pursuits discontinued by an officer	0	0	1
Pursuits discontinued by a sergeant and/or OIC	0	0	1
Collision with a fixed object	1	1	0
Stop stick	0	0	0
Vehicle voluntarily stopped	0	0	1
PIT by BGPD	*	*	0
PIT by another agency	*	*	2

There were four pursuits in 2023 by officers of the Battle Ground Police Department. There was one pursuit in 2021 and 2022 and, on average, still lower than in pre-pandemic and pre-police reform law years.

Analysis of Vehicle Pursuits

The analysis of our pursuit data shows an increase in pursuits compared to the previous two years. The continued trend in low pursuit numbers is understandable and was expected due to a significant change in laws governing police pursuits that went into effect in July 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 four pursuits that did take place in 2023 were all found to be within policy, law, and training due to the officers having legal justification required to engage in the pursuit or the required supervisor approval. One of the four pursuits involved a request from an outside agency who was engaged in an authorized pursuit for our canine and handler who were on duty at the time. Since our policy strictly mirrors the law, and likewise our training supports law and policy, all the pursuits were deemed within policy during all three administratively reviewed areas.

Our pursuit review process did not change in 2023. 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 shows 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, Battle Ground officers and supervisors understand the intent, guidelines, and restrictions of the pursuit policy and the law.

Policy Considerations

Our policy underwent significant revisions in 2021 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 before it went into effect in July of 2021 and the policy was reviewed at the squad level again in October of 2023 concurrent with scheduled EVOC training.

Training Considerations


BGPD officers participated in EVOC training in 2023 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 2023 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 toolbox and tools.

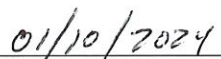
The small agency EVOC group provided stop-stick training during the EVOC training at PIR. An annual review of our vehicle pursuit policy took place in October of 2023 to coincide with EVOC training. It would be helpful to include a tabletop exercise with this policy review to ensure officers' understanding of the legal requirements for engaging in a pursuit during the annual review prior to EVOC training.

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 2024 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 McCabe, Interim Chief of Police


Date