

MANUAL OF POLICY AND PROCEDURE

VEHICLE PURSUITS

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200-34.10 PURPOSE:

The purpose of this directive is to provide vehicle pursuit procedures, restrictions and directions on interagency involvement of vehicle pursuits.

200-34.20 DEFINITIONS:

- A. 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.
- **B. Barricade:** The intentional blocking of a roadway, by any means, to stop a vehicle being pursued.
- C. Boxing In: The placement of a police vehicle into the path or potential path of a vehicle with the intent of slowing and stopping the vehicle or keeping the vehicle stopped.
- **D. Primary Pursuit Unit:** The primary pursuit unit which initiates a pursuit and is closest to the fleeing vehicle, or any unit which assumes control of the pursuit, and has the responsibility of attempting to stop a fleeing vehicle.
- **E. Pursuit Supervisor:** Any officer with supervisory rank or any officer working in the capacity of an acting supervisor who is monitoring or actively engaged in the pursuit; the highest-ranking officer will assume the pursuit supervisor position and may not be the primary pursuit unit.
- **F. Support Pursuit Unit:** The support pursuit unit is any other police vehicle that becomes involved as a backup to the primary pursuit unit.
- **G. Ramming (deliberate):** Using a police vehicle to purposely cause forceful contact with another vehicle in order to bring that vehicle to a stop.

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H. <u>Pursuit Immobilization Technique (P.I.T.):</u> The intentional and forced rotational contact of a fleeing suspect vehicle by a pursuing police vehicle, in an effort to stop the suspect's flight.

200-34.30 <u>VEHICLE PURSUITS:</u>

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.

- **A.** Officers may not engage in vehicular pursuits unless:
 - 1. The officer has reasonable suspicion to believe a person in the vehicle has committed or is committing one of the following offenses:
 - a. A violent offense as defined in RCW 9.94A.030
 - b. A sex offense as defined in RCW 9.94A.030
 - c. Vehicular assault offense under RCW 46.61.522
 - d. An Assault in the first, second, third, or fourth degree offense under Chapter 9A.36 of the Revised Code of Washington, only if the assault involves domestic violence as defined in RCW 10.99.020
 - e. Escape under RCW 9A.76;
 - f. or the officer has reasonable suspicion that a person in the vehicle committed or is committing the offense of driving under the influence per RCW 46.61.502;
 - 2. The pursuit is necessary for the purpose of identifying or apprehending the person; and
 - 3. The person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person outweighs the safety risks of the vehicle pursuit under the circumstances; and
 - a. The pursuing officer notifies a supervising officer immediately upon initiating the vehicle pursuit;
 - b. there is supervisory oversight of the pursuit; and
 - c. the officer, in consultation with the supervisor, must consider alternatives to the pursuit; and

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- d. The supervisor must consider the justification for the pursuit and other safety considerations, including but not limited to:
 - i. Speed
 - ii. Weather
 - iii. Traffic
 - vi. Road Conditions; and
 - v. Known minors in the vehicle.

B. In any vehicular pursuit under this Policy:

- 1. The pursuing officer, and the supervisory officer, shall comply with the provisions of this policy for designating a primary officer, number of vehicles allowed in the pursuit, and coordinating operations with other jurisdictions, including available tribal police departments, when applicable.
- 2. The supervising officer, the pursuing officer, or dispatcher shall notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit, and the pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments.
- 3. The pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervisory officer, and the dispatch agency, such as being on a common radio channel or having other direct means of communication.
- 4. As soon as practicable after initiating a vehicle pursuit, the pursuing officer, supervisory officer, or responsible agency shall develop a plan to end the pursuit through the use the Pursuit Intervention Technique (PIT), deployment of spike strips or other tire deflation devices, or other department authorized pursuit intervention tactics; and
- 5. The pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, and must be certified in at least one pursuit intervention option.
- C. A vehicle pursuit not meeting the requirements under this section must be terminated.



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200-34.40 PROHIBITED PURSUITS:

- **A.** When the police vehicle involved contains any non-commissioned passenger inside the vehicle.
- **B.** Pursuits in the opposing direction on a freeway.
- C. Any pursuit that does not remain in compliance with Section 200-34.30 herein, including when there is no supervisor or acting supervisor on duty.

200-34.50 PURSUIT PROCEDURES:

Because of the extremely hazardous circumstances created during a pursuit it is absolutely imperative that all personnel who operate an emergency vehicle adhere to the following policies:

- **A.** In all pursuit situations the safety of the officer, the suspect, the public and the protection of property shall be the ultimate concern of the Battle Ground Police Department.
- **B.** Officers will request approval from the on-duty supervisor, via the main dispatch control channel, to initiate a pursuit. Officers should provide the supervisor with the necessary information over the radio to allow the supervisor to determine whether or not the pursuit is permissible by law and department policy. The supervisor will advise CRESA over the radio whenever a pursuit is authorized and will state that he or she is taking control of the pursuit.
- **C.** Officers involved in a pursuit will drive with due regard for the safety of all persons in the proximity of the incident.
- **D.** Officers hearing of a pursuit generally should not respond to assist unless they are specifically assigned to do so. Officers may take whatever action that would increase the safety to the public such as stopping cross traffic ahead of the pursuit path. Actions by officers not a part of the pursuit team are to be limited to steps to increase the safety for the motoring public. The officer is not otherwise permitted to join the pursuit team without supervisory authorization. Officers hearing of a pursuit will limit radio traffic to keep the frequency clear for the pursuing officer. They will keep themselves available for assignment should the need arise but will remain in their assigned areas.



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- **E.** Unless authorized by a supervisor, no more than three patrol vehicles are to engage in a pursuit.
- **F.** Officers should not overtake and pass a suspect in an attempt to get in front of the suspect vehicle except as outlined in section L of this policy.
- **G.** During a pursuit an officer must remember that a citizen using a public highway does not expect to encounter a high-speed pursuit during his or her travel.
- **H.** Officers shall not cause deliberate physical contact between their vehicle and the fleeing vehicle except under circumstances outlined in the department policy regarding Pursuit Immobilization Technique (P.I.T.) or when deadly force is authorized. Officers also shall not pull alongside the fleeing vehicle and attempt to force it into any obstacle.
- I. Whenever the course of the pursuit is extended off of the roadway the pursuing officer must carefully consider whether or not the seriousness of the offense outweighs the risk to his/her safety and the potential damage to the police vehicle and/or private property.
- **J.** Once a suspect is stopped, the primary and secondary pursuit units of the pursuit team and the supervisor are the only officers authorized to go to or remain at the scene unless additional units are specifically requested by the supervisor or the primary pursuit officer.
- **K.** The spotlight shall at no time be directed at the windshield or vision of a suspect vehicle in an attempt to blind or halt the pursuit. This requirement does not limit the use of a spotlight to increase officer safety after a vehicle has come to a stop.
- L. Officers may use their police vehicle to "box in" the vehicle of a stopped offender in order to prevent the movement of the offender's vehicle or to stop a slow-moving vehicle (one traveling at a speed less than 20 mph). This should only be done when accepted officer safety principles are adhered to and the officer's assessment of the danger of placing himself in front of the suspect vehicle makes this action reasonable under the circumstances. The "boxing in" or placement of a police vehicle in the path of a vehicle traveling over 20 mph will be considered a barricade and is prohibited by this policy.



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M. Officers may not fire a weapon upon a moving vehicle unless necessary to protect against imminent threat of serious physical harm resulting from the operator's or passenger's use of a deadly weapon. The vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable alternative means to avoid potential serious harm are immediately available to the officer.

200-34.60 UNMARKED OR SPECIAL PURPOSE VEHICLES:

Authorized personnel operating unmarked vehicles may engage in vehicular pursuits only when all requirements of Section 200-34.30 herein are met and:

- **A.** The vehicle is equipped with at least one lamp capable of displaying red or blue lights visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.
- **B.** Non-pursuit rated vehicles shall not initiate a vehicle pursuit except under the following circumstance:
 - 1. When there is probable cause that the suspect being pursued is committing or will commit a violent offense or sex offense as defined in RCW 9.94A.030 if he or she is allowed to flee.
 - 2. When a marked vehicle becomes available to take over as the primary pursuit unit, the unmarked vehicle will assume the position of a support pursuit unit until a second marked unit arrives. At that time the unmarked vehicle may assume the position of the third support pursuit unit for purposes of tactical vehicle intervention, or for officer safety purposes should the pursuit be terminated and the suspect vehicle stopped.
 - 3. All other requirements of this policy can be met.

200-34.70 TERMINATION OF PURSUITS:

When, in the officer's assessment, the risks of the pursuit outweigh the necessity of the pursuit or, if any of the provisions in section 200-34.30 no longer exist, then the pursuit shall be terminated. The officers will immediately notify the supervisor in control of the pursuit and CRESA when they have terminated a pursuit. All emergency equipment will be turned off and the police vehicle will be pulled to the side of the roadway and brought



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to a complete stop. Officers should not attempt to follow the fleeing vehicle or keep it in sight once the pursuit has been terminated. The police vehicle will subsequently be operated in compliance with all stated traffic regulations. No officer shall be disciplined for termination of a pursuit.

Any officer involved in a pursuit who reasonably believes that the risks associated with continued pursuit are greater than the risks to the public associated with the suspect remaining at large, may terminate the pursuit.

200-34.80 <u>INTER-JURISDICTIONAL PURSUIT RESPONSIBILITIES:</u>

Pursuits which are initiated in another jurisdiction and proceed into Battle Ground come within the authority of the Battle Ground Police Department. Initial department response will be to ascertain the basis for the pursuit before moving to assume responsibility for the pursuit.

If a determination is made that the basis for the pursuit does not meet legal requirements and department policy guidelines then the supervisor shall advise CRESA that Battle Ground Police Department will not engage in the pursuit..

Pursuits which begin in Battle Ground and enter another jurisdiction come within the authority of the agency having primary jurisdiction.

200-34.90 **PURSUIT INTO ANOTHER JURISDICTION:**

If a pursuit enters into another jurisdiction, the following procedure will be followed:

- **A. Notification:** The law enforcement agency of the jurisdiction affected by the pursuit will be notified by CRESA as expeditiously as possible and requested to assume active pursuit. Assumption or non-assumption of pursuits will be communicated to the other involved jurisdiction as soon as possible.
- **B.** Number of units Involved: As a pursuit leaves our jurisdiction, the number of units assigned to continue active pursuit until relieved by another jurisdiction should not be more than two, unless assigned by the supervisor in control of the pursuit. The total number of units involved in any pursuit shall be at the discretion of the supervisor in



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control of the pursuit after taking into consideration all relevant facts, information and policies.

- C. Assumption/Non-assumption of pursuit: If the law enforcement agency of the other jurisdiction assumes control of the pursuit the Battle Ground supervisor will order this department's active involvement in the pursuit discontinued.
- **D. Pursuit into the State of Oregon:** The primary pursuit units may continue in direct pursuit with emergency equipment activated until such time as an Oregon-based agency is capable of accepting control of the pursuit. Once control of the pursuit is transferred to an Oregon agency the patrol units will discontinue the use of lights and siren and active pursuit but may follow the pursuit to a termination point, obeying all traffic regulations, to provide backup and relay cause information to the arresting agency. CRESA will be responsible for providing timely information to the trailing units as to status and location of the pursuit as well as appropriate talk groups. Pursuits into Oregon will follow the directives in the Portland Metropolitan Interagency Pursuit Agreement of 04-09-1999, of which the Battle Ground Police Department is a signatory agency.
- **E.** Leaving the City Unattended: When officers are involved in pursuit situations they must take into account the need to provide police services to the citizens of Battle Ground. Care should be taken to avoid a situation where all Battle Ground patrol units are involved in a vehicle pursuit and the city is left unprotected for any other emergencies that may arise.
- **F.** Communication: At the conclusion of a pursuit that went outside of the agency jurisdiction the supervisor will communicate with the other jurisdiction's supervisor to ensure that all appropriate policies and procedures have been followed.

200-34.100 <u>SUPERVISOR RESPONSIBILITIES:</u>

Whenever a supervisor becomes aware of a vehicle pursuit or, when an officer requests authorization to engage in a pursuit, the supervisor shall notify over the main control dispatch channel whether or not he or she has authorized the vehicle pursuit. As soon as practical the supervisor should notify CRESA that he or she has taken supervisory control of the pursuit. Vehicle deployment, assignment and use will be at the discretion of the supervisor in control of the pursuit and will be coordinated with communications.



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- A. The supervisor will take command and control tactical responses as required.
- **B.** The supervisor in control of the pursuit will continue to assess the need for continuation of the pursuit and weigh compliance with policy and law and the risks involved.
- **C.** The supervisor will terminate pursuits that are outside of law or policy.
- **D.** The supervisor in control of the pursuit may approve and assign additional patrol vehicles to assist the primary and support pursuit units based on an analysis of:
 - 1. The nature of the offense for which the pursuit was initiated.
 - 2. The number of suspects and any known propensity for violence.
 - 3. The number of officers in the pursuit vehicles.
 - 4. The number of officers necessary to make an arrest at the conclusion of the pursuit.
 - 5. Any other factors considered important enough to warrant the increased hazards caused by numerous pursuit vehicles.

200-34.110 RAMMING:

When possible, all reasonable alternatives must be exhausted before deliberate vehicle contact (ramming) is utilized as a police tactical tool. Ramming should not be confused with Pursuit Immobilization Techniques (P.I.T.) discussed in policy 200-34.140.

A. Motor vehicle as an impact device: When an officer uses a motor vehicle as a tactical impact device to ram another vehicle or pedestrian it is possible that death or serious bodily injury may result. Therefore, use of a motor vehicle to tactically ram another vehicle or to strike a pedestrian will generally be considered a use of deadly force. As a use of deadly force, the motor vehicle may only be used when it meets the legal and policy requirements for the use of deadly force.

200-34.120 PURSUIT IMMOBILIZATION TECHNIQUE (P.I.T.):

Pursuit Immobilization Technique or "P.I.T." is an option to be used in controlling a pursuit by bringing the pursuit to a quick end and thus reducing or eliminating further risks. Only officers that are trained and qualified in P.I.T. shall use this technique.

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P.I.T. when implemented at speeds under 40 mph is not considered a use of force. At speeds over 40 mph supervisory approval will be needed and may constitute a use of deadly force situation. P.I.T. is not a ramming technique. It is a controlled trained technique. The Chief may require a use of force report in any case where the technique is used.

- **A. Deployment Considerations:** The following non-exclusive factors should be considered before the application of P.I.T.
 - 1. Fleeing driver's actions exhibiting recklessness or progressively reckless actions as the pursuit continues.
 - 2. Speed of suspect's vehicle.
 - 3. Pursuits towards areas of high population traffic or schools.
 - 4. Will there be an opportunity to contact the vehicle at lower speeds?
 - 5. Whether the suspect(s) is known to be armed.
 - 6. Availability of back-up and cover units.
 - 7. Is patrol vehicle equipped with P.I.T. bars?
 - 8. The potential risk to the public if the suspect escapes.
 - 9. Obstacles that are a threat to the suspect or officers.
 - 10. Time of day, weather and light conditions.
 - 11. Supervisory instructions and adherence to pursuit policy.

B. Special Factors and Considerations of Deployment:

- 1. Site selections should be level and free of obstacles and roadside obstructions as practical. Be aware of lateral movement and recovery requirements from a P.I.T. maneuver.
- 2. P.I.T. maneuvers that may cause the fleeing vehicle to enter into oncoming traffic or onto pedestrian sidewalks should be avoided.
- 3. Vehicles with oversized suspensions or high center of gravity issues should not have P.I.T. deployed on them until other methods have failed.
- 4. Vehicles with multiple occupants will require extra consideration for the safety of possibly innocent victims in the vehicle. If occupied by children, less aggressive intervention methods should be used prior to P.I.T.
- 5. Armed suspects may create an officer safety issue when P.I.T. is deployed. Officers may find themselves in a poor defensive position as a result of P.I.T. maneuvers.

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- C. Use of P.I.T.: Officers shall obtain supervisory approval prior to deploying P.I.T. Supervisors may authorize P.I.T. techniques at speeds over 40 mph in those specific situations that require the use of force to protect lives or to drastically diminish the imminent, clear and present danger of serious injury or death. In most cases other immobilization techniques should be attempted prior to the application of the P.I.T.
- **D. P.I.T. Training:** Officers certified in P.I.T. will receive periodic updated training and qualification as certified by Emergency Vehicle Operations Course instructors.

200-34.130 BARRICADING ROADWAYS:

Barricading a roadway must be considered as a force that may result in death. Therefore, many factors must be considered regarding its use. Barricades are to be used:

- **A.** Only as a last resort.
- **B.** Only with a supervisor approval and under the following circumstances:
 - 1. The roadway should not be barricaded by occupied vehicles.
 - 2. Private vehicles will never be used as a barricade.
 - 3. Our duty is to assist citizens whenever possible to remove their vehicles from the path of a pursuit.
 - 4. Police vehicles may be used only if no other suitable equipment is available and/or there is not adequate time to obtain other suitable equipment.
 - 5. For the safety of all persons involved, including the suspect, an escape route must always be left in the barricade.
 - 6. All barricades shall be set up at such a location as to not unnecessarily endanger life and/or property. When choosing a barricade location the weather and lighting conditions, visibility, road configuration, officer safety and civilian personnel safety should be considered.
 - 7. The use of barricades will be announced to all units assisting.

200-34.140 SPIKE STRIPS:

The spike strip may be utilized upon approval of the supervisor in control of the pursuit. All users must have received training in the use of the spike strip. This does not preclude other law enforcement agencies from assisting in the control of the incident.

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A. Use of the spike strip:

- 1. The safety of all officers, the public, and the fleeing subject must be considered.
- 2. All law enforcement officers involved in the incident should be on the same communications frequency.
- 3. The spike strip will not be used to stop fleeing motorcycles.
- 4. The spike strip will not be used in locations where specific geographic configurations increase the risk of serious injuries to the operator, violator or the public. (i.e. alongside rivers, embankments, etc.).
- 5. The spike strip will not be deployed on two-way roadways unless oncoming traffic has been stopped some distance from the actual deployment site.

B. Deployment of the spike strip:

- 1. The operator deploying the spike strip should do so from a position of safety. The use of natural barriers such as roadway overpasses, guardrail or shrubbery will conceal the operator from the violator's view and allows the deployment of the strip in position of relative safety.
- 2. Lay the strip out on the ground in such a manner that the spike strip is as perpendicular to the fleeing vehicle as possible.
- 3. Traffic cones or flares should be set up if needed. Then the rope provided should be stretched across the roadway.
- 4. When the fleeing vehicle approaches, the operator will pull the spike strip onto the roadway surface and let go of the rope in case the device jumps up when the violator's vehicle passes over it.
- 5. Make every effort to avoid other vehicles running over the spike strip. If it is not possible to avoid other vehicles the operator is authorized to activate the device.
- 6. In the event another vehicle is contacted by the spike strip, contact the motorist and notify the supervisor of the damage. It will be necessary to document the damage and file a City of Battle Ground Incident Report form.

C. After the pursued vehicle passes over the spike strip:

- 1. Immediately pull the device off the roadway.
- 2. Wait for the pursuing law enforcement vehicle to pass your location.
- 3. Load the device into a patrol vehicle.
- 4. Provide assistance in the arrest.

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D. Communications:

- 1. The operator of the spike strip must have a portable radio ready for use.
- 2. The pursuing officer and the dispatcher will keep all personnel informed of the following:
 - a. Location.
 - b. Direction of travel.
 - c. Speed and erratic driving behavior.
 - d. Possible weapons involved.
 - e. Number of people involved.
 - f. Roads, exits and entrances that need to be blocked.
 - g. Any other pertinent data to the pursuit.
- 3. When nearing a spike strip, pursuing officers and the operator deploying the device must maintain communication. The pursuing officer must slow or stop to allow the device to be cleared from the roadway.
- 4. Whenever the spike strip is deployed an incident report shall be completed.

200-34.150 PURSUIT REPORTING:

All vehicle pursuits will be documented as outlined below and will undergo a multilevel administrative review with final review and approval by the Chief of Police. Failure to report a police pursuit may subject the employee to disciplinary action.

- **A. Primary Pursuit Unit:** Whenever an officer is the primary pursuit unit, that officer shall complete a Pursuit Driving Report detailing the incident to include, but not limited to, the following information:
 - 1. The initial reason for the pursuit.
 - 2. The route of the pursuit using a map and tracing the route. In vehicles equipped with AVL, information regarding vehicle speed and route taken along with the appropriate mapping should be requested from CRESA.
 - 3. Justification of the pursuit pursuant to section 200-34.30 of this policy.
 - 4. Other police units/agencies involved including names of other officers.
 - 5. Weather, road, lighting, and traffic conditions on the route of the pursuit.
 - 6. How and why the pursuit was terminated.
 - 7. A list of witnesses.
 - 8. Any special circumstances that arose during the pursuit.

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- **B.** Support Pursuit Unit: Any officer involved in a pursuit as a support pursuit unit shall complete a support pursuit unit report detailing their involvement in the pursuit.
- C. Pursuit Supervisor: The supervisor who assumed control of a pursuit will complete a pursuit report narrative detailing their involvement in the pursuit including considerations outlined in section 200-34.30(A)(3) and 200-34.100 of this policy.
 - 1. The pursuit supervisor will ensure all involved officers complete required RMS and pursuit reports and that the pursuit reports and narratives are forwarded to the next available sergeant not involved in the pursuit for administrative review.
 - 2. The pursuit supervisor will notify chain of command. Generally, command notifications for pursuits may be done via email before end of shift with the exception of any pursuit that results in the injury to an officer or injury to the subject that requires the subject to be hospitalized, or in cases where there is damage to property or vehicles other than the suspect vehicle. In cases where an officer is injured or the subject must be hospitalized, command notification shall be made as soon as practical.

200-03.160 PURSUIT REVIEW:

The general principle of the pursuit review is to provide a multilevel review process where each reviewer evaluates the pursuit with regard to law, agency policy, and agency training.

All reviews must be completed in a timely manner.

Each reviewer shall ensure that the pursuit report is thorough and complete, and contains all necessary documentation and evidence.

The following individuals shall be included in the review process:

- **A. Sergeant:** A staff member, not involved in the pursuit, who holds the rank of sergeant will be the first reviewer in the pursuit review process.
- **B.** Lieutenant: A staff member, not involved in the pursuit, who holds the rank of lieutenant or above will be the second reviewer in the pursuit review process.
- **C.** Chief of Police: The Chief of Police will be the final reviewer and will have final approval in the pursuit review process.



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- 1. The Chief of Police will render a policy determination regarding the pursuit.
- 2. If the pursuit is found to be outside of policy, the Chief of Police may take the below actions:
 - a. If there was a violation of Law or Department Policy, appropriate disciplinary action may be taken.
 - b. If the results of the incident clearly point to a training deficiency, then the matter may be referred to the lead EVOC Instructor or Training Unit for additional or remedial training for the involved officer(s).
- **D.** Upon completion of all reports, and at the approval of the Chief, the pursuit report will then be forwarded to the agency EVOC instructors for information and analysis.
- **E.** A management review and analysis of all vehicle pursuits will be completed annually by an agency command staff member. The Chief of Police will have final review and approval of the management review and analysis report. The analysis should address any policy, procedural, training, and/or personnel issues that are identified as part of the review and analysis process.