

City of Battle Ground Police Department

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INTEROFFICE MEMORANDUM

To: Chief Mike Fort

From: Lt. Kim Armstrong *[Signature]*

Date: 02/14/2022

Subject: 2021 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

	2019	2020	2021
Total number of pursuits	4	0	1
Day pursuits	3	0	0
Night pursuits	1	0	1
Pursuits ruled "within policy"	4	0	1
Pursuits ruled "outside of policy"	0	0	0

Concluding Events	2019	2020	2021
Pursuits discontinued by officer	0	0	0
Pursuits discontinued by sergeant	0	0	0
Collision with a fixed object	1	0	1
Stop stick	1	0	0
Vehicle voluntarily stopped	2	0	0

There was one pursuit in 2021 by two officer of the Battle Ground Police Department. This is a slight increase from zero pursuits in 2020 but still decreased from 4 total pursuits in 2019.

Analysis of Vehicle Pursuits

The analysis of our pursuit data shows an increase in pursuits by one compared to the previous year (0 to 1) but a continual decrease in number of pursuits from 2019 (4 pursuits). This trend in a decreased number of pursuits 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 2021 occurred at the beginning of the year before the new laws went into effect. However, the reason for the pursuit and the actions of the officers and supervisor during the pursuit would have been justified and legal under the new laws and current department policy.

Our pursuit review process did not change in 2021. We still require a three part, administrative review process where the pursuit is reviewed first by a patrol sergeant then by a lieutenant and finally by the Chief of Police. However, our pursuit reporting forms changed significantly this year. It was a goal over the last few years to update our pursuit reporting forms to be similar to our use of force reporting forms where the administrative reviews are documented electronically with sections for each reviewer to analyze whether the pursuit was within policy, law and training.

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 Battle Ground officers understand the intent, guidelines and restrictions of the pursuit policy and the law.

Policy Considerations

Our policy underwent significant revisions this year in order to comply with the new laws governing vehicle pursuits. Our policy and associated pursuit forms were vetted by the city attorney. 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.


Training Considerations

BGPD officers participated in two EVOC training courses in 2021, a slow course held at Ilani Casino and a speed course at PIR. We currently have two certified EVOC instructors, both assisted in the 2021 EVOC training. We have selected two additional EVOC instructors and intend to send both to EVOC instructor training as soon as classes are available. An annual review of our vehicle pursuit policy should take place in October of 2022 to coincide with 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 2022 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

2-17-2022
Date