



PORT ORCHARD POLICE DEPARTMENT
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POLICY REVIEW – IR# 20-069

DATE: October 30, 2020

IR# 20-069

SUBJECT: Pursuit D20-002033

BY: Josh Horsley  731
Josh Horsley, Sergeant

REQUIRED REPORTING – POPD [PURSUIT POLICY 307]

Date/Time: October 10, 2020 @ 1714 hrs.

Length of Pursuit: 2.5 miles

Involved Units/Officers: D. Huibregtse

Initial Reason for the Pursuit: Reckless Driving

Starting Point: SE Lund Ave at Jackson Ave SE

Termination Point: Phillips Rd SE at Skipper Ln.

Disposition: Pursuit was terminated.

Injuries/Property Damage: None

Medical Treatment: None

Supervisor: None on Duty

Preliminary Determination: No Policy Violation

Additional Review/Investigation Needed: None

Related Reports: D20-002033

APPLICABLE POLICY SECTION(S):

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 (RCW 43.101.226(3)).



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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 police vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.3 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.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- a. The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- b. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- c. The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- d. The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- e. Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- f. Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- g. The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.



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- h. Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- i. Vehicle speeds.
- j. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- k. The availability of other resources, such as air support assistance.
- l. Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated 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.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- a. The location, direction of travel and estimated speed of the suspect's vehicle.
- b. The description of the suspect's vehicle including the license plate number, if known.
- c. The reason for the pursuit.
- d. The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- e. The number of occupants and identity or description.
- f. The weather, road and traffic conditions.
- g. The need for any additional resources or equipment.
- h. The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.



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307.5 PURSUIT DRIVING

1. The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- a. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- b. Because intersections can present increased risks, the following tactics should be considered:
 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- c. As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- d. Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- e. Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.
 - a. Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
 - b. Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
 - c. Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
 - d. Ensuring that the proper radio channel is being used.
 - e. Ensuring that the sergeant is notified of the pursuit, as soon as practicable.
 - f. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
 - g. Controlling and managing Port Orchard Police Department officers when a pursuit enters another jurisdiction.
 - h. Preparing a post-pursuit review and documentation of the pursuit as required.

307.12 REPORTING REQUIREMENTS



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¹ All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- a. The primary pursuing officer shall complete appropriate crime/arrest reports.
- b. The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- c. After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee.

BACKGROUND:

On October 10, 2020 at approximately 1714 hrs Officer Huibregtse was stopped in traffic at the intersection of Lund and Jackson. He observed a white Honda traveling south on Jackson. As the vehicle approached the intersection the light turned red. The white Honda passed a vehicle that was stopped for the red light in front of it and ran the red light almost causing a collision. Officer Huibregtse activated his emergency lights and attempted to stop the white Honda for reckless driving. The vehicle continued heading south on Jackson. When the vehicle did not stop, he activated his siren and the suspect vehicle accelerated. The vehicle did not have a license plate on the rear, it was in the back window and unreadable. Officer Huibregtse observed only a male driver in the vehicle. While south bound on Jackson vehicle speeds reached approximately 70 MPH. After passing the intersection of Jackson and Salmonberry the suspect vehicle went into the oncoming lane to pass three vehicles in the south bound lane. There was no north bound traffic while the suspect vehicle was in the north bound lane. At the intersection of Jackson and Sedgwick the suspect vehicle turned onto east bound Sedgwick then south onto Onalaska into a subdivision. The suspect vehicle exited the subdivision and headed south on Phillips. KCSO Deputy Doktor joined the pursuit as the 2nd car. As speeds reach 80 MPH heading south on Phillips Officer Lynch advised Officer Huibregtse to terminate the pursuit and he complied. Officer Huibregtse turned off his emergency lights and siren, and came to a stop at the intersection of Phillips and Skipper Ln. The suspect vehicle was last observed heading south on Phillips at Beilmeier.

Approximately distance for the pursuit was 2.5 miles and it lasted approximately 2.08 minutes. The suspect was not apprehended. The suspect vehicle was located several hours later abandoned in the 1200 block of SE Cedar Rd. The vehicle recovered turned out to be a stolen green Honda that had been painted white.

ANALYSIS:

To conduct this policy review, I reviewed all written reports, pursuit report, and all audio files provided by Kitsap 911 related to this incident. I also interviewed the Officer involved.



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After observing a vehicle recklessly run a red light and almost cause a collision. Officer Huibregtse activated his emergency lights to initiate a vehicle stop. When the vehicle did not yield to his emergency lights, he activated his siren and the vehicle accelerated. Officer Huibregtse broadcast that he was trying to stop a reckless vehicle, he advised direction of travel, description of the vehicle, and vehicle speeds during the pursuit. Officer Huibregtse did not broadcast the traffic, roadway conditions or number/description of occupants as outlined in policy 307.4.2 (e) & (f). Officer Huibregtse remained calm throughout the incident and did not appear to be overwhelmed by the event.

POPD policy states, "It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits".

In this case, the initial factors are compelling to continue the pursuit for a brief amount a time are justified. The pursuit lasted for 2.08 minutes and 2.5 miles at which time Officer Huibregtse was advised by a fellow officer to terminate the pursuit and he did.

CONCLUSION

It is my opinion that based upon the totality of the events, Officer Huibregtse's actions in this incident are in violation of Policy: VEHICLE PURSUITS: 307.4.2 (e) & (f).

RECOMMENDATION:

Read Policy 307.

Copy to Division File