

July 2021

## Vehicle Pursuits

### 308.1 PURPOSE AND SCOPE

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

#### 308.1.1 DEFINITIONS

Definitions related to this policy include:

**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.

**Police Vehicle:** Vehicles assigned to officers for routine patrol and are equipped with emergency lights and siren.

**Supervisor:** The recognized supervisor for the pursuit.

**Primary Unit:** The police vehicle that is closest to the fleeing vehicle. The primary unit should be a fully marked police vehicle with overhead lights.

**Secondary Unit(s):** Any police vehicle(s) directly assisting the primary unit.

**Terminate:** Discontinuing the active pursuit of a fleeing vehicle.

### 308.2 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.

### 308.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police [departmentoffice] 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.

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**308.3.1 INITIATING A PURSUIT**

A peace officer may not engage in a vehicular pursuit unless the criteria in this policy are all met:

- (a) There is
  - 1. probable cause to believe that a person in the vehicle has committed or is committing any of the following violent offenses:
    - (a) Any Class A felony
    - (b) Manslaughter 1st or 2nd degree
    - (c) Indecent liberties by forcible compulsion
    - (d) Kidnapping 2nd degree
    - (e) Arson 2nd degree
    - (f) Assault 2nd degree
    - (g) Assault of a child 2nd degree
    - (h) Extortion 1st degree
    - (i) Robbery 2nd degree
    - (j) Drive-by shooting
    - (k) Vehicular assault while DUI or reckless
    - (l) Vehicular homicide while DUI or reckless; OR
  - 2. probable cause to believe that a person in the vehicle has committed or is committing any of the following sex offenses:
    - (a) Any felony violating RCW 9A.44 (other than RCW 9A.44.132)
    - (b) Incest
    - (c) Felony violating RCW 9.68A (other than RCW 9.68A.080)
    - (d) Felony under RCW 9A.28 that is criminal attempt, criminal solicitation, or criminal conspiracy to commit
    - (e) Felony violating RCW 9A.44.132(1) if one prior conviction
    - (f) Any conviction for a felony offense in effect at any time prior to July 1, 1976 that is comparable to a felony sex offense in RCW 9A.44, RCW 9A.64.020, RCW 9.68A, RCW 9A.28 or RCW 9A.44.132, or any federal or out-of-state conviction for an offense that would classify with these
    - (g) A felony with a finding of sexual motivation under RCW 9.94A.835 or RCW 13.40.135; OR
  - 3. probable cause to believe that a person in the vehicle has committed or is committing:
    - (a) Escape 1st, 2nd, or 3rd degree or sexually violent predator escape; OR
  - 4. reasonable suspicion of a DUI offense; AND

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- (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 a supervising officer and there is supervisory control of the pursuit

The officer in consultation with the supervisor must consider alternatives to the vehicular pursuit.

The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this section are not met.

A pursuing officer shall comply with agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

#### **308.3.2 TERMINATING A PURSUIT**

Officers shall terminate a pursuit when the risk to the public or officer(s) outweighs the need for immediate apprehension of the suspect, the pursuit does not fall under any of the listed criteria above, or when directed to by a supervisor.

#### **308.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked police [departmentoffice] emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

The number of units directly involved in the pursuit should be no more than four vehicles unless the circumstances require more units. This number does not include those vehicles providing traffic control, perimeter, or not involved in the pursuit.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

#### **308.4.1 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

The primary officer involved in the pursuit shall notify dispatch of the pursuit immediately. Information to dispatch shall include the following:

- (a) The crime for which probable cause exists; or
- (b) If reasonable suspicion that the driver is driving under the influence under RCW 46.61.502; and

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- (c) The imminent threat of safety to others
- (d) Known presence of minors
- (e) Location and direction of travel
- (f) Description of fleeing vehicle
- (g) Other known or suspected hazards, such as armed suspects, possible hostage, or other unusual circumstances.

This information is critical to the supervisor's decision making in allowing the pursuit to continue.

#### **308.4.2 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

The second officer in the pursuit should:

- (a) Notify dispatch they are in the pursuit.
- (b) Take responsibility of broadcasting the pursuit to dispatch if practical.

#### **308.4.3 OFFICERS NOT INVOLVED IN THE PURSUIT**

Officers not involved in the pursuit should monitor its location and be prepared to assist with the pursuit if needed. They should also be available to handle any collision(s) that result from the pursuit. If needed, an officer will coordinate a moving perimeter that will ensure timely assistance to the pursuing officers if needed.

#### **308.5 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this [department/office] (Chapter 320 § 7, 2021 Laws). A supervisor shall not authorize a pursuit unless criteria within this policy are met.

A supervisor of the officer initiating the pursuit will be responsible for:

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established [department/office] guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) 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. A supervisor shall not be disciplined for terminating a pursuit.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h)

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- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this [departmentoffice].
- (j) Controlling and managing Bellingham Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.
- (l) Assessing if any vehicles used in the pursuit are in need of a safety check by fleet.

#### **308.6 WHAT-COMM**

The radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. When a pursuit is initiated dispatch will:

- (a) Coordinate involved units and any additionally requested unit's, such as, aircraft, outside agencies, or medical personnel.
- (b) Ensure the supervisor is aware of the pursuit and relay the details to the supervisor if necessary.
- (c) Restrict the radio traffic for the pursuit units.
- (d) Maintain a detailed log of the pursuit.

#### **308.7 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **308.8 TRAINING**

All commissioned officers shall participate in the classroom and practical portion of the training.

Patrol personnel shall attend annual FRD or Bulletin classroom training, and biennial practical training.

#### **308.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit exits the city limits and does not appear to be re-entering the city limits in a short amount of time, the pursuing officer shall obtain permission from the supervisor to continue the pursuit. The supervisor will determine if the pursuit should be handed over to another agency.

If the pursuit is handed off to another agency the supervisor will determine how many, if any, Bellingham Officer(s) shall continue in the pursuit.

##### **308.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Bellingham Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed,

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with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this [departmentoffice] shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this [departmentoffice], the other agency should relinquish control.

### **308.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

Officer(s) should not join pursuits being conducted by other police agencies, unless the agency requests Bellingham Police assistance or the pursuing agency has only a single unit in the pursuit. Supervisors shall authorize Bellingham Police officers to assist in other police agencies' pursuits only if that supervisor knows that the criteria of the pursuit are met under this policy. The supervisor shall continue to monitor the pursuit and terminate the involvement of Bellingham Police Officers if the pursuit is found to violate policy.

### **308.10 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, boxing-in, the PIT, intentional intervention, or roadblock procedures.

#### **308.10.1 USE OF FIREARMS**

A peace officer may not fire a weapon upon 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 purposes of this policy, 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.

#### **308.10.2 INTERVENTION STANDARDS**

There are five methods of forcible stop: (1) Pursuit Immobilization Technique; (2) Spike Strips; (3) Intentional Intervention; (4) Roadblocks; (5) Boxing-in.

- (a) The Pursuit Immobilization Technique (PIT) is a method of forcible stop used to bring pursuits to a conclusion. PIT is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flights and to ensure public safety. The PIT shall not be used on motorcycles unless deadly force is justified. The PIT can be used over 40 MPH under the same requirements as stated below, however, it could be considered a use of lethal force. Only those officers trained in the use of the Pursuit

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Immobilization Technique will be authorized to use this procedure. PIT maneuvers under 40 MPH may be executed by a trained officer driving a fully marked police vehicle. Officers should use the following considerations when considering the use of the Pursuit Immobilization Technique:

- (a) Officers need to be aware of the environment and should give special consideration to sight assessment. Sight assessment includes: blind curves, bridge abutments, major obstacles or road shoulders, oncoming traffic, and pedestrians and bicyclists.
  - (b) Weather conditions that may negatively affect conducting a successful PIT.
  - (c) The availability of back-up and location of assisting officers.
  - (d) Whether the suspect vehicle has all four tires inflated or if the suspect's vehicle tires have been compromised by the use of the spike strip.
  - (e) The body and frame of the suspect vehicle, relative to the officer's patrol vehicle.
- (b) Spike strips (Stop Sticks) should be used when the officer(s) believe it would be effective in application and can be deployed with limited risk to the officer(s). Officer(s) will only deploy the spike strips when they are in communication by radio with pursuing officers. They will also advise the pursuing units where and when the spike strip is deployed. The supervisor will be notified as soon as practical that the spike strips have been deployed.
- (c) Intentional Intervention is the deliberate striking of another vehicle with a patrol vehicle(s) for the purpose of mechanically stopping the fleeing suspect vehicle. In some circumstances, the use of intentional intervention could be considered use of lethal force.
- (d) Roadblocks are the use of vehicles or other roadway obstruction that prevents the escape of a fleeing vehicle. It can only be used after approval is obtained from the supervisor. Because roadblocks involve a potential for serious injury, death and serious property damage it should only be used in the following circumstances: when the suspect(s) are involved in a violent offense listed above or when the supervisor believes the suspect poses a significant threat of death or serious physical injury to the officer or others.
- (e) 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. Boxing-in can be used by officers in situations where they determine it is the best tactic to safely stop a vehicle.

### 308.11 REPORTING REQUIREMENTS

A pursuit will not in itself be considered a Use of Force. Any use of a forcible stop will be considered a use of force and will be reviewed accordingly. A Police Traffic Collision Report (PTCR) will not be completed for a forcible stop, unless, the fleeing vehicle collides with other property after the forcible stop.

If a pursuit or forcible stop results in the serious injury or death of anyone involved, mutual aid shall be requested, from the Washington State Patrol, for an investigation of the pursuit or forcible stop.

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All officers involved in a pursuit or use of intentional intervention shall complete a Longarm report to include the following:

- (a) The supervisor will ensure that detailed reports are completed, and an "overall" account of the event is included.
- (b) The primary officer shall complete appropriate crime/arrest reports.
- (c) The primary officer shall ensure that the following photograph is taken and submitted with the Longarm Report:
  - 1. Officer will be wearing uniform that was worn during the pursuit; and
  - 2. Officer is standing next to the police vehicle used in the pursuit (emergency lighting equipment should be activated).
- (d) The primary officer shall complete a Report in Longarm which should contain the following detailed Information:
  - 1. The violation(s) that caused the pursuit to be initiated.
  - 2. The conditions of the pursuit, including, but not limited to, all of the following:
    - (a) Duration and route
    - (b) Approximate mileage
    - (c) Number of Officers involved
    - (d) Maximum number of units involved (Cover and Perimeter)
    - (e) Time of day
    - (f) Weather conditions
    - (g) Speeds in relation to speed limits
    - (h) Names of Officers involved
    - (i) Whether the pursuit involved multiple agencies
    - (j) The means or methods used to stop the suspect being pursued.
    - (k) If force was used, what type(s)
    - (l) Whether the pursuit resulted in a collision
    - (m) If injuries, type and seriousness
    - (n) Suspected alcohol/drug use of fleeing driver

### **308.12 TRAINING**

All commissioned officers shall participate in the classroom and practical portion of the training.

Patrol personnel shall receive annual FRD, Bulletin, classroom training, and biennial practical training. EVOC instructor cadre shall attend annual training relating to emergency vehicle operations.



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### **308.13 POLICY REVIEW & COMMAND STAFF REVIEW**

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

The Patrol Lieutenants will maintain a log of all pursuits and will review all pursuit reports annually to determine patterns or trends that indicate training needs and/or policy modifications. The annual review shall be provided to the Chief of Police, Command Staff, Training Staff and EVOC instructor cadre.