

## Definitions

**Dangerous Felonies** - Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

**Immediate** - Occurring without delay, instant, not separated by other persons or things, being near at hand

**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.

If a vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit so long as the officer is adhering to normal traffic restrictions.

## Vehicles Authorized to Engage in Pursuits

Vehicles involved in a pursuit response shall also be governed by the Department's Emergency Driving Response policies and RCW 46.61.035 (Authorized Emergency Vehicles). The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190, RCW 46.37.380(4), RCW 46.61.210(2), 46.61.264(2), and RCW 46.61.35 apply only when such vehicles are making use of the statutorily required visual and audible signals.

### ❖ Police Vehicles with Light Bars

Only marked police vehicles equipped with sirens and blue/red lights in the form of a light bar will engage in vehicular pursuits. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

### ❖ Police Vehicles without Light Bars

Police officers operating police vehicles without a light bar but having emergency lights visible to both the front and rear of the vehicle, and a siren, may participate in pursuits only until relieved by a marked police unit with a light bar. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor. The unit may proceed to the location where the pursuit ends to assist other officers.

### ❖ Motorcycles

Motorcycles Police Officers operating motorcycle units may participate in pursuits only until relieved by a marked police vehicle with a light bar unless the controlling supervisor or Captain determines that the motorcycle unit is a more effective pursuit vehicle.

### ❖ K-9 Units –

K9 Units may initiate a vehicular pursuit but will be relieved as soon as possible by a marked unit. The K9 Unit will then revert to a support role. K9 Units will not act as the secondary pursuit vehicle unless additional units are not available. K9 Units may be directly involved in vehicular pursuits only under the following circumstances: (1) A Supervisor requests that a K9 Unit be directly involved in the pursuit, or (2) the pursuit would be permitted under this policy. K9 Units, when not

directly involved in a vehicular pursuit, may proceed in the direction of the pursuit at a code response while adhering to that portion of the Bellevue Pursuit Policy which addresses emergency non-pursuit driving.

## **Vehicles NOT Authorized to Engage in Pursuits**

- ❖ Prisoner Vans and Parking Enforcement Vehicles are specifically prohibited from engaging in pursuits.
- ❖ Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off- duty police officers from other agencies) will not participate in pursuit driving situations.
- ❖ Unmarked police vehicles without emergency equipment are prohibited from engaging in pursuits.
- ❖ Police vehicles when operated by an officer not in department uniform as defined in Chapter 18 (Uniforms).
- ❖ Police vehicles when operated by an officer, recruit, or department employee not trained or authorized to engage in vehicular pursuits.

## **Initiation of a Pursuit**

Officers may not initiate or engage in a vehicular pursuit, unless:

- ❖ There is **probable cause** for a dangerous felony as defined in this policy; or
- ❖ There is **reasonable suspicion** a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502 if there are extraordinary circumstances including but not limited to the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstances must be present prior to the time that a pursuit is initiated.

In order to initiate, engage, or continue in a vehicular pursuit, the officer must determine that these four requirements are met:

- ❖ The pursuit is necessary for the purposes of identifying or apprehending the person;
- ❖ The person poses an imminent threat to the safety of others;
- ❖ 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
- ❖ 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 supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations and the vehicular pursuit must be terminated if any of the above requirements are not met.

All pursuits will be continuously evaluated by the officer, the supervisor, and the Captain for termination/continuance in accord with Title 10 RCW, and the standards set forth in this procedure. The pursuit shall be terminated when the risk of pursuit driving outweighs the need to stop the eluding vehicle.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and Captain when determining whether any pursuit should be initiated, continued or terminated:

- ❖ Is the pursuit necessary for the purposes of identifying or apprehending the person?
- ❖ Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?
- ❖ Does the need for immediate capture outweigh the danger created by the pursuit?
- ❖ Is this a serious incident that meets the statutory requirements in order to initiate a pursuit?
- ❖ Safety of the public in the area of the pursuit
- ❖ Safety of the pursuing officer(s) in the area of the pursuit
- ❖ Time of day
- ❖ Visibility and visual obstructions
- ❖ Volume of vehicular traffic
- ❖ Volume of pedestrian traffic
- ❖ Location of pursuit, such as school zones, residential or commercial areas
- ❖ Weather conditions, including rain, wind, snow, ice and blinding sunlight
- ❖ Traffic road conditions
- ❖ Familiarity of officer, supervisor, or Captain with the area of the pursuit
- ❖ Proximity of the pursuit to Bellevue's jurisdictional boundary
- ❖ Speeds involved and posted speeds in the pursuit area
- ❖ Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- ❖ The capabilities of both the involved police vehicles and the vehicle being pursued
- ❖ The known presence of minors in the vehicle

### **Number of Units Involved in a Pursuit**

The number of pursuing units should be limited to two vehicles; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). The controlling supervisor will monitor the number of units actively pursuing and will ensure that the number of units is reasonable, necessary, and safe.

The primary unit is the officer engaged in the pursuit who is closest in proximity to the fleeing vehicle. The secondary unit in a pursuit is responsible for backing-up the primary officer and communicating the details of the pursuit with NORCOM. The controlling supervisor may adjust this responsibility as necessary.

### **Paralleling**

Police units directed to "parallel" the pursuit route will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless directed otherwise by the controlling supervisor or Captain. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.

### **Officers' Responsibilities/Accountability**

Upon initiation of a pursuit an officer will immediately notify NORCOM of the pursuit and furnish all pertinent details at a minimum to include:

- ❖ Description of vehicle
- ❖ Number of occupants
- ❖ Location
- ❖ Speed and direction of travel

- ❖ Nature of original offense
- ❖ Any other information that could aid in identification or apprehension
- ❖ Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/Captain and other units is essential. The pursuing officer(s) will:

- ❖ Maintain radio contact with NORCOM and controlling supervisor/Captain
- ❖ Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- ❖ Inform NORCOM when the vehicle being pursued changes direction
- ❖ If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or Captain.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

### **Prohibited Pursuits**

Pursuits other than those recognized as justified by Title 10 RCW and this policy/procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

### **NORCOM Responsibilities**

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or Captain, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

## **Supervisory Responsibilities**

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- ❖ Obtaining information about the pursuit such as location, speed and reason for the pursuit
- ❖ Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- ❖ Assigning back-up responsibilities
- ❖ Approving or ordering alternative tactics
- ❖ Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- ❖ Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- ❖ Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- ❖ Ensuring that all necessary police reports are completed

## **Command/Supervisory Accountability**

The Captain or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the Captain/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The Captain or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

## **Pursuits from Bellevue into another Jurisdiction**

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

## Pursuits from Other Jurisdictions Entering Bellevue

- ❖ **Inquiry** - The controlling supervisor or Captain will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
- ❖ **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035 unless otherwise directed by the controlling supervisor or Captain. The officer shall not proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency lights and siren.
- ❖ **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or Captain determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.
- ❖ **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or Captain will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or Captain, and determine our response.
- ❖ **Termination/Evaluation** - If an active BPD pursuit is authorized, the continuance or termination of the pursuit will be determined by the controlling supervisor or Captain.

## Roadblocks (CALEA 41.2.3)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where the use of deadly force is reasonable and necessary. If a roadblock is used, the following will apply:

- ❖ Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock
- ❖ The controlling supervisor or Captain must authorize the use of a roadblock. The controlling supervisor, Captain, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers
- ❖ The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited
- ❖ The controlling supervisor/Captain will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.
- ❖ Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue city limits

## Pursuit Reporting Requirements (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, and shall be prepared regardless of whether the offender(s) escaped or was arrested.

## **Administrative Review of Pursuits**

All vehicular pursuit incidents will be entered into BlueTeam with a detailed review conducted by the Division Captain of the involved officer(s). The incident review will be forwarded via the chain of command to the Assistant Chief of the Operations Bureau. Upon completion of the chain of command review it will then be forwarded to the PSU Sergeant for training review.

A copy of the pursuit review with any recommended follow up actions will be forwarded to the Office of Accountability Assistant Chief.

At the end of the year, the Office of Accountability Assistant Chief will prepare a written analysis for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.