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## 212.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances.

## 212.2 DEFINITIONS

Definitions related to this policy include:

**Attempt 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).

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**Authorized Emergency Vehicle:** A vehicle equipped with emergency lights and siren as required by RCW 46.61.035 and RCW 46.37.190.

**Blocking:** A slow speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not the same as a moving or stationary road block.

**Boxing-in:** A tactic designed to stop a pursued violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Hot Pursuit:** Pursuit (with or without a warrant) for the purpose of preventing the escape or effecting the arrest of any person who is suspected of committing, or having committed, a crime. Hot pursuit implies pursuit without unreasonable delay, but need not be immediate pursuit.

**Imminent Threat:** Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another.

**Pursuit Intervention Technique (PIT):** A low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

**Probable Cause:** When an officer has reasonable grounds to believe that a suspect has committed or is committing a crime based on articulable and specific circumstances that support the conclusion; it is a "reasonable officer" standard based on the totality of the circumstances considering the time, place, and other circumstances, including the officer's experience and training. It is a higher standard than "reasonable suspicion" and a lower standard than the "proof beyond a reasonable doubt" standard for criminal prosecutions and the "preponderance" standard that is used to resolve fact questions in civil lawsuits.

**Ramming:** The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Reasonable Suspicion:** For the purposes of this policy, an officer must be able to articulate specific facts which, when taken in the totality of the circumstances, reasonably indicate that the suspect did commit, attempted to commit, or was about to commit a crime as outlined in this policy.

**Roadblock:** A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

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**Spikes or Tack Strips or Approved Tire Deflation Device:** A device that extends across the roadway designed to puncture the tires of the pursued vehicle, or a small handheld deployable device used to puncture an individual tire of a vehicle.

**Termination:** The deactivation of all emergency equipment and the return to a normal driving pattern and to discontinue or to stop chasing the fleeing vehicle(s).

**Vehicle Follow:** A vehicle follow is an event involving one or more law enforcement officers attempting to stop a suspect vehicle that is failing to yield to the visual and audio signals of the law enforcement officers but is not operating outside the rules of the road or in an evasive manner.

**Vehicle Pursuit:** A vehicle pursuit is 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.

**Violent Offense:** For the purpose of this policy, a violent offense means any of the following felonies:

- Any felony defined under any law as a class A felony or an attempt to commit a class A felony
- Manslaughter in the first degree
- Manslaughter in the second degree
- Criminal solicitation of or criminal conspiracy to commit a class A felony
- Assault of a child in the second degree
- Extortion in the first degree
- Indecent liberties if committed by forcible compulsion
- Arson in the second degree
- Robbery in the second degree
- Drive by shooting
- Kidnapping in the second degree
- Assault in the second degree
- Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operations or driving of a vehicle in a reckless manner
- Vehicular homicide when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operations of any vehicle in a reckless manner

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- Escape from any conviction for a felony offense that was in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense listed above
- Escape from any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense listed above

### **212.3 AUTHORIZED PURSUITS**

It is the policy of the Bothell Police Department that pursuits are permissible only when the need for immediate capture outweighs the danger created by the pursuit itself. A police officer may only engage in a vehicular pursuit when the following criteria is met:

- The police officer has probable cause to believe that a person in the vehicle has committed or is committing a violent offense, or sex offense as defined in RCW 9A.030, or an escape as defined in chapter 9A.76; 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. The impaired driving must have occurred independent of any attempt to stop the suspect and cannot be solely a result of the suspect's attempting to flee from the officer regardless of the activation of an officer's emergency lights or siren. **If pursuit of a suspected impaired driver results in the pursued driver displaying an increased level of dangerous driving, the pursuit shall be immediately discontinued,** and
- The pursuit is necessary for the purpose of identifying or apprehending the person, and
- 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 vehicle pursuit under the circumstances, and
- The officer has received authorization to engage in the pursuit from a supervisor and there is supervisory control of the pursuit.

Pursuits for other crimes are strictly prohibited. Even when the above criteria are met, the decision to initiate a pursuit or continue a pursuit must be balanced against the greater concern for the safety of the community and the public safety employees. The officer in consultation with the supervisor must consider alternatives to the vehicle pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations. The suspected crime of eluding will not, in and of itself, justify a pursuit. The fact that an officer had to move from the path of a fleeing vehicle may not constitute a violent offense for the purposes of this policy.

**If any of the requirements or criteria listed above are not met, the pursuit shall be terminated.**

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## **212.4 PURSUIT FACTORS**

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

- 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 violent offense?
- Is the identity of the offender known? If known, officers should strongly consider apprehension alternatives prior to initiating or continuing a pursuit.
- Are there other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages)?
- Known presence of minors in the vehicle.
- 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.
- Availability of other resources such as aircraft/helicopter assistance.
- Location of pursuit, such as school zones, residential or commercial areas.
- Weather conditions, including rain, wind, snow, ice and blinding sunlight.
- Road conditions that may diminish traction.
- Familiarity of officer or supervisor in the area of the pursuit.
- Proximity of the pursuit to Bothell's jurisdictional boundary.
- Speeds involved and posted speeds in the pursuit area. Evaluation of vehicle speeds shall be taken into strong consideration with regard to public safety, officer safety and the safety of the occupants in the fleeing vehicle. As a general guideline, even with other ideal driving conditions, speeds exceeding twice the posted limits on City roadways, and any speeds in excess of 80 mph should be considered an extremely high risk.
- 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.
- Other alternatives to the pursuit are available.

## **212.5 AUTHORIZED PURSUIT UNITS**

The exemptions provided by RCW 46.61.035 do not apply to officers using vehicles without emergency equipment. Only Authorized Emergency Vehicles may initiate or join a pursuit. Vehicles not equipped with emergency lights and siren are generally prohibited from initiating or joining in any pursuit. Police officers operating police motorcycles or

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department vehicles without roof lights, 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 fully marked, emergency equipped police unit.

Pursuits are prohibited when there are non-commissioned passengers or prisoners in the pursuing vehicle.

Pursuit units are generally limited to two vehicles; the officer initiating the pursuit (primary unit) and one back-up police vehicle (secondary unit); 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 primary and secondary units will not be sufficient to safely affect the arrest of the occupants of the pursued vehicle. All other officers should stay out of the pursuit, but may be directed to "parallel" the pursuit route in a Code 2 mode unless directed otherwise by the shift supervisor.

## **212.6 OFFICERS' RESPONSIBILITIES**

Upon initiation of a pursuit, the primary officer shall immediately notify the Communications Center of the pursuit. The officer shall furnish pertinent details to include:

- Nature of original offense.
- Location and direction of travel.
- Description of vehicle and license number, if known.

During a pursuit, effective communication between the pursuing unit(s), Communications Center, shift supervisor, and other units is essential. The pursuing officer(s) shall continue to provide pertinent details as the pursuit continues. These details may include:

- Number of occupants.
- Identity or description of the known occupants.
- Location(s)
- Speed and direction of travel.
- Visibility
- Road conditions
- Traffic and pedestrian volume.
- Information concerning the use of deadly weapons, threat of force, injuries, hostages or other hazards.
- 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.

The secondary officer in the pursuit is responsible for the following:

- Immediately notify the Communications Center of entry into the pursuit

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- Remain at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary officer is unable to continue the pursuit.
- Upon agreement with the primary officer, the secondary unit may take responsibility for broadcasting the progress of the pursuit.

If a pursuit is terminated, the pursuing officer should provide the location where the vehicle was last seen, its approximate speed, and direction of travel.

## **212.7 PURSUIT DRIVING TACTICS**

The following are tactics for primary and secondary pursuit units:

- Officers, considering their driving skills and vehicle performance capabilities, shall space themselves from other involved vehicles so that they are able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- Because intersections can present increased risks, the following tactics should be used:
  - Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - Pursuing units shall adhere to **RCW 46.61.035** and drive with due regard for the safety of all persons. Pursuing units may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation. Pursuing units may exceed the maximum speed limits so long as they do not endanger life or property.
- As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - Requesting assistance from an air unit.
  - Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - Requesting other units to observe exits available to the suspect(s).
  - Notifying the Washington State Patrol and/or other jurisdictional agencies if it appears that the pursuit may enter their jurisdiction.
- Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or if requested to do so by the primary unit.

The following are procedures for other units:

- Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.
- Once it is established two (or more) vehicles are in pursuit, officers should not become involved with the pursuit unless directed otherwise by the supervisor.

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- (c) Police units directed to "parallel" the pursuit route will operate in a Code 2 mode unless directed otherwise by the supervisor.

## **212.8 TERMINATING A PURSUIT**

Pursuits shall be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s) escape.

The factors listed in policy section 212.4 are expressly included herein and shall apply equally to the decision to discontinue as well as the decision to initiate or continue a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to themselves and others when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle(s), the deactivation of all emergency equipment and the return to a normal driving pattern.

In addition to the factors listed in policy section 212.4, the following factors shall also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Pursued vehicle drives into the oncoming traffic lane (of a divided roadway, highway, or interstate) in an attempt to elude apprehension.
- (d) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) Directed by a supervisor.

**Any officer directed by the supervisor to terminate a pursuit shall do so immediately.**

Upon termination of a pursuit in which the suspect remains at large in the pursued vehicle, the pursuing officer(s) shall:

- (a) Provide verbal confirmation to the Communications Center that the pursuit was discontinued.
- (b) Provide information to the Communications Center about the suspect vehicle's last known location and direction of travel.

Once the pursuit is terminated, no officer will pursue the same vehicle without an articulable basis to believe that a new violent crime has been committed or a supervisor gives authorization to reinitiate the pursuit. When possible, an officer should attempt to



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change course so that the subject no longer sees the officer behind them, as that may reduce their reckless flight.

## **212.9 SUPERVISORY CONTROL AND RESPONSIBILITY**

Supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. No officer shall engage in a pursuit prior to receiving authorization to engage in the pursuit from a supervisor. **If any criteria listed in policy section 212.3 are not met, the supervisor shall terminate the pursuit immediately.**

Once the pursuit has been authorized, the shift supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The shift supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command. The shift supervisor of the officer initiating the pursuit, or if unavailable, the nearest available supervisor shall be responsible for the following:

- Immediately ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure the pursuit is conducted within established department guidelines.
- Respond to the scene of the termination of the pursuit if injuries, death or property damage have occurred.
- Exercise management and control of the pursuit.
- Ensure no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- Assign back-up responsibilities.
- Approve or order alternative tactics.
- Direct the pursuit be terminated if, in the supervisor's judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- Ensure aircraft are requested if available.
- Ensure the proper radio channel is being used.
- Ensure the notification and coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this agency.
- Control and manage department units when a pursuit enters another jurisdiction.
- Coordinate a search for offenders as necessary, establishing a command post and ensuring command notifications occur as warranted.
- Request recordings and audio files from appropriate communications center(s).
- Review all pertinent reports for content and completeness.
- If practicable, conduct post-pursuit critique and analysis of the pursuit immediately following the pursuit for training purposes.

## **212.10 COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, as soon as practicable, the Communications Center will:

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- (a) Using alert tones, close the radio frequency to emergency traffic only.
- (b) Coordinate pursuit communications of the involved units and personnel.
- (c) Ensure a shift supervisor is notified of the pursuit.
- (d) Request aircraft assistance if available.
- (e) Assign an incident number and log all pursuit activities.
- (f) Broadcast pursuit updates as well as other pertinent information as necessary.
- (g) Notify and coordinate with other involved or affected agencies as practical. Patch frequencies as necessary.
- (h) Preserve audio files for pursuit review.

## **212.11 PURSUITS FROM BOTHELL INTO OTHER JURISDICTIONS**

When practicable, 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. Upon discontinuing active involvement in the pursuit, the primary unit may proceed upon the approval of the supervisor, to the termination point to assist in the investigation.

If the other agency is unable or declines to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accordance with the significant factors and this policy.

Bothell officers should generally discontinue pursuit at the point that two-way radio communications with the Communications Center become unreadable.

## **212.12. PURSUITS FROM OTHER JURISDICTIONS ENTERING BOTHELL**

Notification from other jurisdictions of a pursuit in progress should not automatically be construed as a request to join or assume active pursuit. Requests from other agencies must be specific. If an agency requests assistance from Bothell:

**Inquiry** - The shift supervisor shall attempt to determine why the vehicle is being pursued and what assistance is being requested by the pursuing agency.

**Joining or Assuming Pursuit** – If the other jurisdiction requests Bothell to provide a secondary pursuit unit or assume active pursuit, the shift supervisor shall evaluate the significant factors set forth in this policy and the known circumstances, as provided by the

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other agency and known to the controlling supervisor, and determine this department's response.

If the supervisor determines the pursuit is not appropriate based on this policy, notification should be given to the pursuing agency that Bothell officer(s) will not assume active pursuit or provide a secondary pursuit unit, and a recommendation shall be given that the pursuit be terminated.

If the pursuit from another jurisdiction does not meet the criteria set forth in this policy, or the other jurisdiction does not provide enough information as to the reason for the pursuit to the on-duty supervisor, no participation in the pursuit shall be authorized. The authorization to participate also includes the use of any pursuit intervention tactics

**Paralleling** - If backup assistance is requested for a pursuit already involving two or more OSA units, one patrol unit may be assigned to parallel the pursuit but should not actively pursue.

**Recommending Other Jurisdiction Termination** - If a shift supervisor or involved officer believes a pursuit to be detrimental to public safety, notification shall be given to the pursuing agency as soon as practicable.

In the event that a pursuit from another agency terminates within this jurisdiction, the shift supervisor will evaluate what assistance may be provided to the agency and authorized assistance as appropriate. This may include scene control, coordination and completion of supplemental reports, and any other assistance requested or needed.

## **212.13 PURSUIT INTERVENTION AND PREVENTION TACTICS**

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present danger to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force.

Officers are authorized to utilize pursuit prevention tactics in order to eliminate, prevent, or decrease the risk caused by a pursuit of a vehicle. Officers using these tactics must have reasonable suspicion that the vehicle and occupants they are contacting may flee during the contact or arrest.

- Blocking: Officers trained in blocking techniques may utilize blocking as a method to help prevent the initiation of a pursuit.
- Pursuit Intervention Technique (PIT): The Department does not train officers in PIT. Use of this intervention technique is restricted to those situations in which deadly force would be authorized.

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- **Ramming:** The Department does not train officers in ramming. Use of this intervention technique is restricted to those situations in which deadly force would be authorized.
- **Boxing-in:** The Department does not train officers in boxing-in. Use of this intervention technique is restricted to those situations in which deadly force would be authorized.
- **Spikes or Tack Strips:** The use of spike strips should be approved in advance by the supervisor and deployed only when it is reasonably certain only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public, and occupants of the pursued vehicle. Spikes, tack strips, or other tire deflation devices shall not be used on motorcycles.

In addition, spike strips or approved tire deflation devices may be utilized by an officer when they reasonably believe the vehicle may have been used in a crime or its occupants have committed or are in the process of committing a crime, and may flee apprehension. This tactic should be considered in an effort to eliminate the need to pursue or need to position a patrol vehicle to prevent flight. Officers using this technique shall announce over the radio of the deployment and shall be responsible for collecting the device at the conclusion of the incident.

- **Roadblocks:** The Department does not train officers in the use of roadblocks. Use of this intervention technique is restricted to those situations in which deadly force would be authorized.

## **212.14 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers 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 passenger's use of a deadly weapon. For purposes of this section, 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.

## **212.15 REPORTING REQUIREMENTS**

Whenever a pursuit has occurred, the pursuing officer(s) shall complete a case report containing the following information, if available:

- Initial reason for the pursuit.
- Map that outlines the route.
- Other units/agencies involved.

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- Weather and traffic conditions.
- Comprehensive description of suspect driving behavior, to include speed.
- How and why pursuit was terminated.
- Interventions that were used.
- Witness information.
- Injuries and medical treatment.
- Property damage.
- Any other information pertinent to the incident.

In addition to the case report, the primary pursuing officer shall complete a pursuit review form ([PFA-212A](#)) and shall forward the form to their supervisor for review. All vehicular pursuit cases require a review by the Division Commander of the involved officer(s). A review summary shall be prepared by the Division Commander and forwarded to the Deputy Chief of Police.

The pursuit review form and copy of the review summary shall also be forwarded to the Commander of the Risk Management Division to maintain for reporting and analysis at the end of the year. The purpose of the annual vehicle pursuit report is to analyze pursuits for the year to identify any patterns or trends that indicate training needs and/or policy modifications.

## **212.16 PURSUIT TRAINING**

Beginning in 2018, commissioned officers shall complete pursuit policy review training annually and upon any changes in the policy. The Training Section shall be responsible for updating the training when necessary, and ensuring all commissioned officers have successfully completed the training on an annual basis.