

information about when I might expect copies or the ability to inspect the requested records. If you deny part or all of my request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. Thank you for processing my request.

Date(s)	Field not completed.
Your Relationship to Requested Record	Other

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Request #3

I wish to	Field not completed.
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Report / Case No.	Field not completed.
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Description (provide as much detail as possible)	Field not completed.
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Date(s)	Field not completed.
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Your Relationship to Requested Record	Field not completed.
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Julie Hansen

From: SheriffRecords
To: hehijekkt@gmail.com
Subject: Requested Records
Attachments: 24-0228.pdf

Good Day,

<https://www.whatcomcounty.us/200/Sheriff>

For Request #1, a portion has been assigned to Chief Funk to provide Policies from the years 2015-2020. 2021-2023 can be found in the Policy Procedure tab of the link provided for the Whatcom County Sheriff Office.

For Request #2, this can also be found online under the Annual Reports tab. Please note that these have only been produced by our PIO since starting 2019.

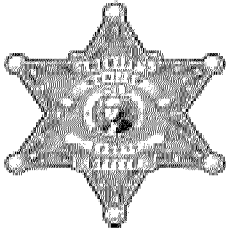
Please consider this the 5-day response.
Thank you,



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WHATCOM COUNTY SHERIFF'S OFFICE RULES AND REGULATIONS MANUAL

Chapter	23
Title	Pursuit Driving
Effective Date	October 1, 2004
Distribution	All Commissioned Personnel
Expiration	Remains effective until revised or rescinded
Accreditation Standards	Sections: 1.3 Use of Force, 41.2 Operations, 61.1 Traffic Enforcement Standards: 41.2.2 Vehicle Pursuits, 41.2.3 Review of Vehicle Pursuits, 61.3.4 Roadblocks
Related Policies	Use of Force, (Chapter 22) Use and Deployment of Spike Strips (SOP Manual), WASPC Model Policy Re: RCW 43.101.225 and RCW 43.101.226

PURSUIT OF MOTOR VEHICLES

Pursuit driving is an inherently dangerous task that deputies engage in, the purpose of which is to apprehend dangerous offenders. Situations where offenders flee in motor vehicles from deputies can pose unique risks and dangers to both the public and deputies. It is the ultimate responsibility of each individual deputy to make sound decisions as to whether or not they initiate, engage in or continue a vehicular pursuit. These decisions are often made under stressful and rapidly evolving circumstances. The primary concern in all pursuit situations is the safety of the public, safety of our personnel and any innocent occupants of the pursued vehicle.

- 23.1.1 "Vehicular Pursuit" Defined. For purposes of this policy, the term "pursuit" shall apply to circumstances in which a uniformed deputy in an officially marked patrol vehicle attempts to stop a moving vehicle where the driver of such vehicle is aware that the officer is signaling the vehicle to stop and is resisting the stop by fleeing, increasing speed, making evasive maneuvers or operating the vehicle in such a manner that endangers the safety of the community or the deputy (ies).
- 23.1.2 "Officially Marked Patrol Vehicle" Defined. For purposes of this policy an officially marked patrol vehicle is equipped with emergency lights and siren and is operated by a uniformed deputy sheriff.
- 23.1.3 Pursuit Driving Authorized. Pursuits may be initiated when reasonable suspicion exists to believe a driver or occupant of the vehicle have committed or are about to commit a

felony crime, or that the violator poses an immediate or future threat of death or serious bodily injury to law enforcement officers or the public.

- 23.1.4 The decision to initiate a pursuit or continue to pursue shall be continuously evaluated and balanced against the dangers the pursuit poses to the general safety of the public, deputies and other law enforcement officers as well as any innocent persons that may be in the suspect's vehicle. The primary pursuing deputy, having the most accurate, "real-time" observation of pursuit conditions, is the person ultimately responsible for the decision to initiate as well as continue a pursuit. Careful consideration of the danger factors shall be made in all instances prior to a pursuit being initiated. Any member of this agency involved in a pursuit may discontinue their involvement at any time during the course of the pursuit if reasonably necessary to do so in the interest of public safety.
- 23.1.5 Supervisors are responsible for assuming overall command of the pursuit and will direct resources and/or change the tactics of the pursuit as needed. Supervisors shall also monitor the pursuit to determine if the dangers or risk of harm to the public, pursuing law enforcement officers, or innocent occupants of the fleeing vehicle created by the pursuit outweighs the dangers or risk that would exist to the public, law enforcement officers or innocent occupants of the suspect vehicle should the suspect(s) escape. If such conditions exist the supervisor shall order that the pursuit be terminated.

23.1.6 Other Crimes and Infractions

Deputies shall not pursue fleeing vehicles when the only known offense is a civil infraction.

23.1.7 Port Runners and Flight From Homeland Security Agencies.

Deputies will not pursue "port runners" or vehicles fleeing from federal border agencies unless specifically requested to do so by a federal law enforcement officer and the above criteria for pursuit authorization listed above exists OR the deputy has independent grounds under this policy to do so. Any pursuit of a port runner will be governed by all criteria contained in this policy. If a federal agency is precluded by its own policy from engaging in a pursuit and accordingly terminates a pursuit, deputies will not be used as surrogates to take over or assume responsibility for the pursuit.

23.1.8 Following Fleeing Vehicles.

Following a decision to not pursue or to terminate a pursuit, deputies may attempt to follow a suspect for the purpose of gathering information that may lead to his/her identification. In following a suspect, deputies shall adhere to all traffic regulations including posted speed limits and not operate in an emergency mode or display emergency lights or sound sirens.

23.1.9 Flight Into Canada.

Deputies may not pursue fleeing suspects into Canada. They may, however, report to the Customs Canada checkpoint to exchange information with Canadian authorities. In the event of an extremely serious felony involving the actual infliction of deadly force or violence (e.g. murder), deputies may follow a suspect into Canada for the purposes of keeping them under visual observation for Canadian law enforcement if they receive

permission from Customs Canada to enter for this purpose and do not attempt to detain the suspect and engage in no confrontation with the suspect while in Canada.

23.1.10 Geographical Limitations

If a pursuit leaves Whatcom County and another agency assumes responsibility for the pursuit, the primary deputy shall discontinue the pursuit, but may, with supervisory approval, continue to monitor and follow the pursuit to termination at a safe speed.

23.1.11 Involvement in Pursuits Initiated by Other Agencies

- A) Deputies shall not become actively engaged in pursuits initiated by another agency unless specifically requested to do so by the pursuing agency or there is not time to make such a request and it is readily apparent that such assistance is needed in order to protect the pursuing officer or the public (e.g., single officer pursuing a dangerous suspect). Supervisory and dispatch notification shall be made as soon as practicable.
- B) A supervisor shall evaluate requests for assistance and will assign deputies to assist only if the pursuit meets the criteria of this policy. Pursuits involving other agencies will be subject to the same scrutiny and concerns as one initiated by this agency. If the pursuit is one that should be discontinued as per our policies, the initiating agency will be advised and Sheriff's Office personnel will cease to participate.

23.2 FACTORS TO CONSIDER IN DECIDING TO INITIATE, CONTINUE OR TERMINATE A PURSUIT

- 23.2.1 The primary deputy, or a supervisor, shall terminate pursuits at any time during the pursuit when the deputy or supervisor believes the danger to the public outweighs the need for immediate apprehension. Consideration should be given to the following factors when deciding to initiate, continue or terminate a pursuit. Deputies and supervisors shall constantly evaluate factors relating to the safety of the public and law enforcement officers involved in the pursuit.

Examples of factors to consider include, but are not limited to:

- Seriousness of offense
- Safety to the public
- Danger suspect presents to the community
- Safety to the deputy and other law enforcement officers
- Likelihood of successful apprehension
- Time of day
- Traffic volume
- Pedestrian traffic
- Road and weather conditions
- Visibility and illumination
- Capabilities of deputy and condition of pursuit vehicle (age, mileage)
- Deputies familiarity with surroundings and geographic area
- Nature of roadway (curved, road widths, etc.)
- Safety of potentially innocent persons in vehicle

- Presence of young children in vehicle
- Quality and availability of radio communications
- Any pattern of erratic driving on the part of the fleeing driver such as driving at a high rate of speed, driving on wrong side of the roadway, failing to obey traffic signals or signs and other actions that pose dangers to the deputies and innocent third parties
- Information or facts demonstrating that an occupant may have been kidnapped or is otherwise in the vehicle against his or her will or in some danger from the subject
- Possession, display or use of any dangerous weapons by the suspect
- Information indicating suspect may be involved in terrorist activities
- If the suspect is known to deputies or his/her identity can be established to the point where subsequent arrest and prosecution may be accomplished, deputies should discontinue the pursuit unless the suspect's continued liberty poses an imminent threat to others - Post pursuit investigations to bring charges against the suspect shall be a high priority for the Sheriff's Office.

23.2.2 Deputies should not pursue vehicles that proceed the wrong way on a divided highway, freeway or freeway access, or one-way street unless absolutely necessary to prevent imminent death or great bodily harm. Deputies may attempt to stop vehicles using legally available lanes.

23.3 PURSUIT PROCEDURES

23.3.1 Primary Pursuing Deputy - The primary pursuing deputy is defined as the deputy initiating the pursuit or as circumstances change, the closest in proximity to the fleeing vehicle. The primary pursuing deputy has the responsibility for immediately notifying dispatch of the following:

- A. The unit identifiers of those involved/initiating the pursuit.
- B. The suspected violation or other reasons justifying the pursuit.
- C. The location, direction, and approximate speed of the vehicle involved.
- D. The descriptions of the vehicle and occupants as are practicable.
- E. The ongoing progress of the pursuit (can be passed to secondary unit if available).
- F. The location of stopped vehicles and post pursuit information (can be passed to secondary deputy if available).

23.3.2 Secondary Deputy

The second unit joining the pursuit will advise dispatch, and will be responsible for the backup of the primary unit. It is recommended that once available and in position, the secondary unit broadcast the pursuit progress, and any post pursuit information and take responsibility for radio traffic updates, descriptions of suspects and relay tactical

information in order to allow the primary pursuit vehicle to concentrate on maintaining visual contact with the pursued vehicle. The secondary deputy also provides backup to the primary deputy should the pursuit terminate away from other backup units.

23.3.3 Dispatch - Dispatch has the primary responsibility to immediately and successfully:

- A. Notify the supervisor of the shift of all pursuit details for active pursuits as well as those that have been terminated.
- B. Initiation or change of supervisory command should be communicated to all involved units
- C. Notify other units and jurisdictions that deputies could reasonably expect to become involved or affected by the pursuit.
- D. Maintain open lines of communication with and between the pursuit vehicle and other units or agencies involved.
- E. Attempt to obtain any information concerning the identity of the driver, occupants, or vehicle owner and document all information received pertaining to the incident.

23.3.4 Supervisor - The supervisor in direct control of the shift has the primary responsibility for immediately:

- A. Calling for a termination of the pursuit, should the pursuing deputy fail to do so when the facts available do not justify its continuance.
- B. Directing the pursuit, including the involvement of all members associated with the pursuit, and going to the scene of the stopped vehicles to direct the final disposition, when practicable.
- C. Assuring that all command personnel are properly notified of relevant circumstances and final dispositions per this manual and the Operation's Manual as it pertains to DSO notifications.
- D. Coordinating requests for assistance to or from other agencies and designating a primary frequency to be used in multi-agency pursuits.

23.3.5 No more than two officially marked Sheriff's vehicles shall be operated in direct pursuit, unless otherwise approved by a supervisor, due to safety reasons, tactical considerations or other exigent circumstances. All other units should stay clear of the direct pursuit but should remain alert to its progress so that they may be available as backup units to be assigned or requested as needed.

23.3.6 Emergency lights, sirens and seatbelts shall be used during the pursuit. If practical and safe, deputies should drop off civilian riders and arrange for them to be picked up at the termination of the pursuit.

- 23.3.7 Deputies not directly involved in a pursuit, when practicable, should attempt to divert bystanders from the anticipated route of the pursuit. This may involve clearing intersections to allow the pursuit to continue through.
- 23.3.8 Deputies operating sports utility vehicles, unmarked vehicles or motorcycles shall be cognizant of the limitations and operating specifications of such vehicles and shall operate within such parameters. As soon as practicable, deputies operating these types of vehicles during pursuits should drop out of the pursuit and allow deputies operating marked units to take primary and secondary positions.

23.4 USE OF FORCE

- 23.4.1 Deputies engaged in pursuits shall comply with all use of force policies. Deadly Force may not be used to stop a fleeing vehicle unless circumstances permitting the use of deadly force are present. Circumstances under which deadly force may be utilized are included in Chapter 22 of this manual, and in Title 9A RCW. Unless those described circumstances are present, deputies may not use deadly force. Shooting at or into a moving vehicle shall be considered deadly force. Ramming a vehicle or the use of blind roadblocks are also examples of actions that may be considered deadly force.

23.5 METHODS OF FORCIBLE STOP

23.5.1 Boxing

Tactics designed to surround a fleeing vehicle with patrol vehicles and bring it to a controlled stop are generally not allowed unless the maneuver can be accomplished with minimal risk. The tactic is most appropriate in order to prevent a vehicle from fleeing a stationary position. Boxing must be utilized only when considered safe, at low speed, with supervisory approval, and no reasonable belief that a threat of firearms being used on officers appears to exist, when sufficient vehicles are available, and existing traffic and road conditions permit.

23.5.2 Spike Strips. (Hollow Spike Tire Deflation Devices)

Experience demonstrates that spike strips are an effective means to safely stop motor vehicles that flee from law enforcement. When properly deployed, spike strips can safely deflate the tires of fleeing vehicles and help minimize threats to public safety. As available, spike strips should be used when safely feasible and within the policy and training guidelines approved by the Sheriff's Office for use of such devices.

23.5.3 Intentional Intervention (Ramming)

Intentional intervention of a vehicle is a deliberate act of ramming the suspect vehicle with a patrol vehicle for the purpose of functionally damaging or forcing the suspect vehicle off the roadway. Intentional intervention should be considered deadly force and must be used only in the most exigent circumstances due to the possibility of airbag deployment and potential for injury to suspects and deputies.

23.5.4 Pursuit Immobilization Technique (PIT)

The PIT is a method to reduce the risks in bringing pursuits to a conclusion. PIT is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flight. Deputies must have received training in the utilization of the PIT maneuver before using the technique. Until deputies are trained in PIT, assistance from other agencies with PIT trained officers (WSP) may be requested.

23.5.5 Roadblocks / Barricades

A roadblock utilizes vehicles or other obstructions positioned across a roadway (except spike strips) to prevent escape of a fleeing vehicle. Roadblocks should never be used without supervisory permission and an escape route should always be available. Also see Chapter 22 of this manual regarding the use of roadblocks and/or barricades.

23.6 POST PURSUIT PROCEDURES

- 23.6.1 At the conclusion of every vehicular pursuit, the initiating deputy and all deputies who were directly involved in the pursuit shall complete a full and detailed report that will describe their participation in the pursuit.
- 23.6.2 The shift supervisor in charge at the time of the pursuit shall review all reports related to the pursuit and shall complete a pursuit critique report which shall be routed to the Chief Criminal Deputy through the chain of command.
- 23.6.3 Upon receipt of the pursuit critique report, the Operations Lieutenant shall request a copy of the recorded radio transmissions and any associated recorded phone traffic from dispatch, as well as make the appropriate entry in the pursuit incident database.
- 23.6.4 The case reports, critique and all relevant information will also be forwarded to the EVOC Training staff for review to determine if there are any necessary policy changes or training needs.
- 23.6.5 A copy of all critique reports as well as supporting documentation and memorandums shall be maintained in a "Pursuit File". The Chief Criminal Deputy shall forward to the Undersheriff and Sheriff a synopsis of the critique.

Relevant Statutes: Revised Code of Washington (2003 Selected Titles)

- 46.61.021 Duty to obey law enforcement officer
- 46.61.022 Failure to obey law officer - penalty
- 46.61.024. Attempting to elude pursuing police vehicle
- 46.61.035. Authorized emergency vehicles.

Vehicle Pursuits

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Policy Statement

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. Factors critical to the successful conclusion of a pursuit are deputies' proper self-discipline, common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. No deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit because of the risk involved. This includes circumstances in which Sheriff's Office policy would permit the initiation or continuation of a pursuit.

Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. Decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

This policy provides deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law.

Persons Affected

All law enforcement deputies.

Directives Affected

- Pursuit Driving (Chapter 23, Rules and Regulations Manual) - canceled
- Spike Strip Procedure (T-022-R1, BLEIS Operations Manual) - canceled

Definitions

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 deputy operating a pursuing law enforcement vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

Terminate (a pursuit) - To discontinue a pursuit; to stop chasing the fleeing vehicle.

Vehicle Pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension by operating a motor vehicle at high speeds or using other evasive tactics such as driving off a highway or turning suddenly.

Pursuit Intervention

Blocking or Vehicle Intercept - A slow speed, coordinated maneuver in which 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 a moving or stationary roadblock.

Pursuit Intervention Technique (PIT) - The intentional and forced rotational contact of a non-compliant suspect vehicle by a pursuing police vehicle in an effort to stop the suspect's flight or illegal activity.

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

Spike Strips - Devices that extend across the roadway and are designed to deflate the tires of the suspect vehicle.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle.

Pursuit Decision-Making

When Deputies May Initiate Pursuits

Deputies may initiate a vehicle pursuit when reasonable suspicion exists to believe a driver or occupant of a vehicle:

1. Has committed or is about to commit a felony crime, **or**
2. Poses an immediate or future threat of death or serious bodily injury to law enforcement officers or the public.

If Deputies Should Initiate a Pursuit

Deputies shall consider the following factors in deciding whether to initiate a pursuit:

Capabilities and Resource Availability

- **Driving capabilities** of pursuing deputies under the conditions of the pursuit.
- **Vehicle performance capabilities** under the conditions of the pursuit.
- **Radio communications quality** between the pursuing units and the dispatcher and supervisor.
- **Other resource availability**, such as aircraft.

Danger to Persons

- **General public/uninvolved persons.**
- **Pursued vehicle occupants** (e.g., passengers, co-offenders and hostages).
- **Pursuing vehicle(s) passengers** other than deputies. A deputy shall not undertake or participate in a pursuit when a prisoner is in his or her vehicle.

Environment

- **Area type** (e.g., residential, open highway).
- **Vehicle and pedestrian traffic volume.**
- **Time of day.**
- **Road conditions.**
- **Weather.**

Suspect

- Apparent **nature** of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

- Whether the suspect's **identity** has been verified and any resulting likelihood the suspect could be apprehended at a later time.
- Seriousness of the known or reasonably suspected **crime** and its relationship to community safety.
- Suspect's **driving**, including vehicle speed, relative to the surrounding conditions.

When Deputies Should Terminate a Pursuit

Deputies or supervisors should terminate a pursuit whenever the totality of the circumstances known or that reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks of allowing the suspect to escape.

Deputies and supervisors must objectively and continuously weigh the factors listed in If Deputies Should Initiate a Pursuit as well as those listed below when considering whether to continue or terminate a pursuit:

- Distance between the pursuing deputies 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.
- Pursued vehicle's location is no longer definitely known.
- Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider terminating the pursuit and apprehending the offender at a later time.

Deputies shall immediately terminate a pursuit when directed by a supervisor.

Following Fleeing Vehicles

After a decision not to pursue a vehicle or to terminate a pursuit, deputies may attempt to follow a fleeing vehicle for the purpose of gathering information that may help identify any suspects. When doing so, deputies shall adhere to all traffic regulations including posted speed limits and deactivate all emergency lights and sirens.

Pursuit Driving

Passing a Pursuit

Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or asked to do so by the primary unit.

Vehicle Spacing

Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other pursuing vehicles.

Wrong-Way Driving

As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway or other divided highway. 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.
- Asking other units to observe exits available to the pursued vehicle.

Pursuing Units

Number of Units

No more than **three** vehicles should be directly involved in a pursuit. A deputy may ask additional units to join a pursuit if it appears that the number of deputies involved would be insufficient to safely arrest the suspect(s). All other deputies should stay out of the pursuit but remain alert to its progress and opportunities for pursuit intervention.

Responsibilities

See also Reports.

Primary Unit

The deputy who initiates the pursuit will be the primary unit. This unit is responsible for apprehension of the suspect(s) without unreasonable danger to themselves or other persons. In addition, the primary unit is responsible for:

- Notifying dispatch of the pursuit.
- Broadcasting information including, but not limited to and as soon as practical:
 - Reason for the pursuit.
 - Location and direction of travel.
 - Road, traffic and weather conditions.
 - Speed of the fleeing vehicle.
 - Description of the fleeing vehicle and license number.
 - Number of known occupants.
 - The identity or description of the known occupants.
 - Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- Broadcasting the pursuit's progress. Whenever possible, the primary unit should relinquish this responsibility to a secondary unit or aircraft in order to concentrate on pursuit driving.

Second Unit

The second deputy in the pursuit is responsible for the following:

- Notifying dispatch of entry into the pursuit.
- Broadcasting the pursuit's progress unless the situation indicates otherwise.
- Remaining a safe distance behind the primary unit unless asked or directed to assume the role of primary unit.

Third Unit

When available, a third unit may join a pursuit. The third unit's responsibilities are:

- Notifying dispatch of entry into the pursuit.
- Remaining a safe distance behind the pursuit unless asked or directed to assume the role of primary unit.
- Assisting with pursuit interventions (e.g., Pursuit Intervention Technique).
- After the pursuit concludes, assisting with tasks such as taking suspects into custody and traffic control.

Shift Supervisor

Upon becoming aware that a pursuit has been initiated, 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 supervisor in direct control of the shift has the primary responsibility for:

- Calling for termination of the pursuit, should pursuing deputies fail to do so when the facts available do not justify its continuance.
- Directing the pursuit, including the involvement of all units and deputies associated with the pursuit.
- Going to the scene of stopped vehicles when the pursuit concludes, when practicable.
- Assuring that appropriate personnel are notified in the event there is a collision involving a Sheriff's Office vehicle resulting in injury or death to any party.
- Coordinating requests for assistance to or from other agencies.
- Designating a primary frequency to be used in multi-agency pursuits.

Emergency Equipment

Sheriff's Office vehicles directly involved in vehicle pursuits shall drive with emergency lights, and sirens as required, activated in accordance with RCW 46.61.035 for exemption from compliance with the rules of the road.

Because exemptions provided by RCW 46.61.035 do not apply to deputies using vehicles without emergency equipment, vehicles not equipped with emergency lights and sirens are generally prohibited from initiating or joining in any pursuit. However, deputies in such vehicles may become involved in emergency activities involving serious crimes or life threatening situations. Such deputies should

terminate their involvement in any pursuit immediately upon arrival of a sufficient number of properly-equipped vehicles.

Motorcycles & Specialty Vehicles

Deputies operating sport utility vehicles, unmarked vehicles, or motorcycles shall be cognizant of the limitations and operating specifications of such vehicles and shall operate within such parameters. Uniformed deputies operating patrol vehicles equipped with emergency lights and sirens should replace motorcycles or other specialty vehicles as soon as practicable.

Uniforms

In order to fully support charging suspects with attempting to elude, any deputy who initiates a pursuit while not in uniform should ask to be replaced by a uniformed deputy in a properly equipped patrol vehicle as soon as practicable (RCW 46.61.024).

Communication

Radio

Deputies should normally conduct pursuits on the primary WCSO radio channel. However, if units from other agencies become involved and/or the pursuit leaves or is about to leave Whatcom County, the unit handling pursuit communications (i.e., the primary or secondary unit) or the supervisor may direct units to switch to a radio channel that is most accessible by participating agencies and units.

Notifications

The unit handling pursuit communications or the supervisor should ensure that dispatch notifies appropriate agencies of the conduct or approach of a pursuit, normally to include the Washington State Patrol.

Inter-Jurisdictional Considerations

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to ask the other agency to assume the pursuit.

Flight into Canada

Deputies may not pursue a fleeing vehicle into Canada. They should, however, report to the port of entry to exchange information with Canadian authorities.

In the event of an extremely serious felony involving the actual infliction of deadly force or violence (e.g. murder), deputies may follow a fleeing suspect's vehicle into Canada for the purposes of keeping it under visual observation for Canadian law enforcement only if they:

- Receive permission from Canadian authorities to enter for this purpose.
- Do not attempt to detain suspects or engage in any confrontation with suspects while in Canada.

Assumption of Pursuit by another Agency

Units originally involved will discontinue a pursuit when advised that another agency has assumed the pursuit and assistance of the Whatcom County Sheriff's Office is no longer needed. The primary unit may proceed to the termination point to assist in the investigation with permission from a supervisor.

Pursuits in WCSO Jurisdiction

Deputies shall not become actively engaged in pursuits initiated by another agency unless specifically asked to do so by the pursuing agency, or there is not time for such a request and it is readily apparent that such assistance is needed in order to protect the pursuing officer or the public (e.g., single officer pursuing a dangerous suspect). Any deputy joining another agency's pursuit shall notify dispatch and the shift supervisor as soon as practicable.

A supervisor shall evaluate requests for assistance and will assign or allow deputies to assist only if the pursuit meets the criteria of this policy. If the pursuit should be discontinued per WCSO policies, the supervisor or participating deputies will advise the primary agency and Sheriff's Office personnel will cease to participate.

Pursuit Intervention

Pursuit intervention is an attempt to terminate the ability of a suspect to flee or continue to flee in a motor vehicle through application of tactics or technology (see pursuit intervention definitions).

When Authorized

Any pursuit intervention tactic, depending upon the circumstances under which it is used, may present dangers to the public, deputies or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to constitute deadly force. The use of any technique must be consistent with the WCSO Force Response policy.

In deciding whether to use intervention tactics, deputies and supervisors should balance the risks of allowing the pursuit to continue with the potential hazards. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision. Deputies must act within the bounds of legality, good judgment and accepted practices.

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. Deputies should not use firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

Intervention Standards

Pursuit Intervention Technique (PIT)

- Only deputies trained in the use of the Pursuit Intervention Technique (PIT) are authorized to use it.
- Deputies should obtain supervisory approval before using the PIT at speeds above 40 miles per hour, when practicable. This shall not be construed to limit the use of the PIT to protect the lives of the public, deputies or occupants of the pursued vehicle should they be in imminent danger of serious injury or death.
- Deputies must consider the additional risk of rollover when deciding whether or not to employ the PIT on utility vehicles or other vehicles with high suspensions or oversized tires.
- Using PIT on vehicles with less than four wheels (e.g., motorcycles) is normally considered deadly force and should only be done when such force is authorized.

Ramming

Ramming a vehicle is normally considered deadly force and should only be done when such force is authorized.

Roadblocks

Roadblocks are normally considered deadly force and should only be used when such force is authorized and with prior supervisory approval. Roadblocks may be used only under extraordinary conditions when all other reasonable intervention techniques have failed or would likely be ineffective.

- Roadblocks should be clearly visible to oncoming traffic and include an escape route.
- Under no circumstances will deputies use occupied vehicles as part of a roadblock.

Spike Strips

When a pursuit begins, units that are equipped with spike strips should move to locations that will allow them to intercept the pursuit and safely deploy their spike strips. Spike strips should only be used when the deploying deputy can communicate directly with pursuing units.

- Using spike strips on a motorcycle (two- or three-wheeled) is normally considered deadly force and should only be done when such force is authorized.
- Deputies deciding whether to deploy spike strips should consider the additional risks associated with doing so in areas such as alongside rivers or steep embankments, around blind corners, etc.
- Deputies should not deploy spike strips on two-way roadways when there is oncoming traffic in the immediate vicinity. Any oncoming traffic should be stopped far enough from the planned deployment site so that a deployment would not endanger oncoming traffic if the violator should swerve into the oncoming lane.
- Deputies should make every effort to ensure only the fleeing vehicle runs over the spike strips. However, if the totality of the circumstances, accounting for any danger posed to pursuing or uninvolved vehicles, warrants the use of spike strips, deputies may deploy the spike strips. Deputies shall contact the owner of any uninvolved vehicle affected by the spike strips as soon as practicable and:
 - Explain the situation.
 - Provide information that will allow the owner to seek reimbursement from Whatcom County for any damages.
 - Provide assistance (e.g., arrange for tow at the county's expense when necessary) when affected vehicles are disabled.

Deputies will document damage to uninvolved vehicles in a separate report.

Reports

The primary pursuing deputy is responsible for completing a Spillman incident report that documents the pursuit. All other deputies directly involved in the pursuit will document their involvement under the same case number.

The shift supervisor in charge at the time of the pursuit shall complete a pursuit report in BlueTeam.

The supervisor who reviews the Spillman report should forward it to Emergency Vehicle Operations Course (EVOC) instructors for review. The chief inspector should similarly forward BlueTeam reports when appropriate.

Training

All deputy sheriffs will participate in annual training on this policy.

Vehicle Pursuits

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Policy Statement

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. Factors critical to the successful conclusion of a pursuit are deputies' proper self-discipline, common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. No deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit because of the risk involved. This includes circumstances in which Sheriff's Office policy would permit the initiation or continuation of a pursuit.

Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. Decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

This policy provides deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law.

Persons Affected

All law enforcement deputies.

Definitions

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 deputy operating a pursuing law enforcement vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

Terminate (a pursuit) - To discontinue a pursuit; to stop chasing the fleeing vehicle.

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.

Pursuit Intervention

Blocking or Vehicle Intercept - A slow speed, coordinated maneuver in which 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 a moving or stationary roadblock.

Pursuit Intervention Technique (PIT) - The intentional and forced rotational contact of a non-compliant suspect vehicle by a pursuing police vehicle in an effort to stop the suspect's flight or illegal activity.

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

Spike Strips - Devices that extend across the roadway and are designed to deflate the tires of the suspect vehicle.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle.

Pursuit Decision-Making

When Deputies May Initiate Pursuits

Deputies may not engage in a vehicle pursuit unless:

1. Reasonable suspicion exists to believe a person in the vehicle has committed or is committing:
 - a. A violent offense or sex offense as defined in RCW 9.94A.030, or
 - b. A vehicular assault offense under RCW 46.61.522, or
 - c. An assault involving domestic violence as defined in RCW 10.99.020, or
 - d. An escape under RCW 9A.76, or
 - e. A driving under the influence offense under RCW 46.61.502, and,
2. The pursuit is necessary for the purpose of identifying or apprehending the person, and
3. The person poses a serious risk of harm to 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
4. The pursuing deputy notifies a shift supervisor immediately upon initiating the pursuit, there is supervisory oversight of the pursuit, and the pursuing deputy and shift supervisor consider alternatives to the pursuit.

If Deputies Should Initiate a Pursuit

Deputies shall consider the following factors in deciding whether to initiate a pursuit:

Capabilities and Resource Availability

- **Driving capabilities** of pursuing deputies under the conditions of the pursuit.
- **Vehicle performance capabilities** under the conditions of the pursuit.
- **Radio communications quality** between the pursuing units and the dispatcher and supervisor.

- **Other resource availability**, such as aircraft.

Danger to Persons

- **General public/uninvolved persons.**
- **Pursued vehicle occupants** (e.g., minors, co-offenders and hostages).
- **Pursuing vehicle(s) passengers** other than deputies. A deputy shall not undertake or participate in a pursuit when a prisoner is in his or her vehicle.

Environment

- **Area type** (e.g., residential, open highway).
- **Vehicle and pedestrian traffic volume.**
- **Time of day.**
- **Road conditions.**
- **Weather.**

When Deputies Should Terminate a Pursuit

Deputies or supervisors should terminate a pursuit whenever the totality of the circumstances known or that reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks of allowing the suspect to escape.

Deputies and supervisors must objectively and continuously weigh the factors listed in If Deputies Should Initiate a Pursuit as well as those listed below when considering whether to continue or terminate a pursuit:

- Distance between the pursuing deputies 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.
- Pursued vehicle's location is no longer definitely known.
- Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

Deputies shall immediately terminate a pursuit when directed by a supervisor.

Following Fleeing Vehicles

After a decision not to pursue a vehicle or to terminate a pursuit, deputies may attempt to follow a fleeing vehicle for the purpose of gathering information that may help identify any suspects. When doing so, deputies shall adhere to all traffic regulations including posted speed limits and deactivate all emergency lights and sirens.

Pursuit Driving

Passing a Pursuit

Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or asked to do so by the primary unit.

Vehicle Spacing

Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other pursuing vehicles.

Wrong-Way Driving

As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway or other divided highway. 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.
- Asking other units to observe exits available to the pursued vehicle.

Pursuing Units

Number of Units

No more than **three** vehicles should be directly involved in a pursuit. A deputy may ask additional units to join a pursuit if it appears that the number of deputies involved would be insufficient to safely arrest the suspect(s). All other deputies should stay out of the pursuit but remain alert to its progress and opportunities for pursuit intervention.

Responsibilities

See also Reports.

Primary Unit

The deputy who initiates the pursuit will be the primary unit. This unit is responsible for apprehension of the suspect(s) without unreasonable danger to themselves or other persons. In addition, the primary unit is responsible for:

- Notifying dispatch of the pursuit.
- Broadcasting information including, but not limited to and as soon as practical:
 - Reason for the pursuit.

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- Location and direction of travel.
 - Road, traffic and weather conditions.
 - Speed of the fleeing vehicle.
 - Description of the fleeing vehicle and license number.
 - Number of known occupants.
 - The identity or description of the known occupants.
 - Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- Broadcasting the pursuit's progress. Whenever possible, the primary unit should relinquish this responsibility to a secondary unit or aircraft in order to concentrate on pursuit driving.
 - Coordinating with the shift supervisor to develop a plan to terminate the pursuit using available pursuit intervention options such as spike strips or other tactics.

Second Unit

The second deputy in the pursuit is responsible for the following:

- Notifying dispatch of entry into the pursuit.
- Broadcasting the pursuit's progress unless the situation indicates otherwise.
- Remaining a safe distance behind the primary unit unless asked or directed to assume the role of primary unit.

Third Unit

When available, a third unit may join a pursuit. The third unit's responsibilities are:

- Notifying dispatch of entry into the pursuit.
- Remaining a safe distance behind the pursuit unless asked or directed to assume the role of primary unit.
- Assisting with pursuit interventions (e.g., Pursuit Intervention Technique).
- After the pursuit concludes, assisting with tasks such as taking suspects into custody and traffic control.

Shift Supervisor

Before authorizing a vehicular pursuit, the shift supervisor must consider alternatives to engaging in a pursuit, as well as the justification for the pursuit and other safety considerations, including but not limited to:

- The speed, weather, traffic, and road conditions.
- The known presence of minors in the vehicle

The shift supervisor shall 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

Policy

responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The supervisor in direct control of the shift has the primary responsibility for:

- Calling for termination of the pursuit, should pursuing deputies fail to do so when the facts available do not justify its continuance.
- Directing the pursuit, including the involvement of all units and deputies associated with the pursuit.
- Coordinate with the pursuing deputy to develop a plan to terminate the pursuit using available pursuit intervention options such as spike strips or other tactics.
- Going to the scene of stopped vehicles when the pursuit concludes, when practicable.
- Assuring that appropriate personnel are notified in the event there is a collision involving a Sheriff's Office vehicle resulting in injury or death to any party.
- Coordinating requests for assistance to or from other agencies.
- Designating a primary frequency to be used in multi-agency pursuits, and ensuring that all personnel involved in the pursuit have direct communication.

Emergency Equipment

Sheriff's Office vehicles directly involved in vehicle pursuits shall drive with emergency lights, and sirens as required, activated in accordance with RCW 46.61.035 for exemption from compliance with the rules of the road.

Because exemptions provided by RCW 46.61.035 do not apply to deputies using vehicles without emergency equipment, vehicles not equipped with emergency lights and sirens are generally prohibited from initiating or joining in any pursuit. However, deputies in such vehicles may become involved in emergency activities involving serious crimes or life threatening situations. Such deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of properly-equipped vehicles.

Motorcycles & Specialty Vehicles

Deputies operating sport utility vehicles, unmarked vehicles, or motorcycles shall be cognizant of the limitations and operating specifications of such vehicles and shall operate within such parameters. Uniformed deputies operating patrol vehicles equipped with emergency lights and sirens should replace motorcycles or other specialty vehicles as soon as practicable.

Uniforms

In order to fully support charging suspects with attempting to elude, any deputy who initiates a pursuit while not in uniform should ask to be replaced by a uniformed deputy in a properly equipped patrol

vehicle as soon as practicable (RCW 46.61.024).

Communication

Radio

Deputies should normally conduct pursuits on the primary WCSO radio channel. However, if units from other agencies become involved and/or the pursuit leaves or is about to leave Whatcom County, the unit handling pursuit communications (i.e., the primary or secondary unit) or the supervisor may direct units to switch to a radio channel that is most accessible by participating agencies and units.

Notifications

The unit handling pursuit communications or the supervisor should ensure that dispatch notifies agencies who may be impacted by the pursuit, normally to include the Washington State Patrol.

Inter-Jurisdictional Considerations

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to ask the other agency to assume the pursuit.

Flight into Canada

Deputies may not pursue a fleeing vehicle into Canada. They should, however, report to the port of entry to exchange information with Canadian authorities.

In the event of an extremely serious felony involving the actual infliction of deadly force or violence (e.g. murder), deputies may follow a fleeing suspect's vehicle into Canada for the purposes of keeping it under visual observation for Canadian law enforcement only if they:

- Receive permission from Canadian authorities to enter for this purpose.
- Do not attempt to detain suspects or engage in any confrontation with suspects while in Canada.

Assumption of Pursuit by another Agency

Units originally involved will discontinue a pursuit when advised that another agency has assumed the pursuit and assistance of the Whatcom County Sheriff's Office is no longer needed. The primary unit may proceed to the termination point to assist in the investigation with permission from a supervisor.

Pursuits in WCSO Jurisdiction

Deputies shall not become actively engaged in pursuits initiated by another agency unless specifically asked to do so by the pursuing agency, or there is not time for such a request and it is readily apparent that such assistance is needed in order to protect the pursuing officer or the public (e.g., single officer

pursuing a dangerous suspect). Any deputy joining another agency's pursuit shall notify dispatch and the shift supervisor as soon as practicable.

A supervisor shall evaluate requests for assistance and will assign or allow deputies to assist only if the pursuit meets the criteria of this policy. If the pursuit should be discontinued per WCSO policies, the supervisor or participating deputies will advise the primary agency and Sheriff's Office personnel will cease to participate.

Pursuit Intervention

Pursuit intervention is an attempt to terminate the ability of a suspect to flee or continue to flee in a motor vehicle through application of tactics or technology (see pursuit intervention definitions).

When Authorized

Any pursuit intervention tactic, depending upon the circumstances under which it is used, may present dangers to the public, deputies or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to constitute deadly force. The use of any technique must be consistent with the WCSO Use of Force policy.

In deciding whether to use intervention tactics, deputies and supervisors should balance the risks of allowing the pursuit to continue with the potential hazards. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision. Deputies must act within the bounds of legality, good judgment and accepted practices.

Use of Firearms

Deputies shall not fire a weapon at 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. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon where no other reasonable means to avoid potential serious harm are immediately available to the officer.

Intervention Standards

Pursuit Intervention Technique (PIT)

- Only deputies trained in the use of the Pursuit Intervention Technique (PIT) are authorized to use it.
- Deputies should obtain supervisory approval before using the PIT at speeds above 40 miles per hour, when practicable. This shall not be construed to limit the use of the PIT to protect the lives of the public, deputies or occupants of the pursued vehicle should they be in imminent danger of serious injury or death.
- Deputies must consider the additional risk of rollover when deciding whether or not to employ

the PIT on utility vehicles or other vehicles with high suspensions or oversized tires.

- Using PIT on vehicles with less than four wheels (e.g., motorcycles) is normally considered deadly force and should only be done when such force is authorized.

Ramming

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- Roadblocks should be clearly visible to oncoming traffic and include an escape route.
- Under no circumstances will deputies use occupied vehicles as part of a roadblock.

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Deputies will document damage to uninvolved vehicles in a separate report.

Reports

The primary pursuing deputy is responsible for completing a Spillman incident report that documents the pursuit. All other deputies directly involved in the pursuit will document their involvement under the same case number.

The primary pursuing deputy is also responsible for completing a pursuit report in BlueTeam. See the Vehicle Pursuits – Blue Team Entry Job Aid for reference.

The supervisor who reviews and approves the BlueTeam pursuit report shall forward it to their division commander for final review and approval.

Training

All deputies will receive refresher training on this policy at least every two years. The training will include a review of when pursuits are authorized by law and policy, factors to consider in performing a risk assessment, and situations where a pursuit should be terminated.

Only deputies who have completed a basic emergency vehicle operator's course (EVOC), who have attended updated EVOC training within the last two years, and who are certified in at least one pursuit intervention option (spike strips, PIT, etc) are authorized to engage in pursuits.