**TACOMA POLICE DEPARTMENT**

**Use of Force Sub-Section 3.2**

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| **Sets forth the Tacoma**  **Police Department’s Use of Force**  **Vehicle Operations Avery L. Moore, Chief of Police** |  |

*PURPOSE:  This policy shall establish the professional philosophy of the Tacoma Police Department relative to proper use of vehicles in performance of service to the community.*

**P3.2 VEHICLE OPERATIONS**  *CALEA 41.2.1, 41.2.2*  *(02/2014)*

The Tacoma Police Department considers personal and public safety its primary responsibility.  The Department considers all fleet vehicles and special use vehicles as law enforcement tools, although some have specific uses and designed capabilities.  Standards of care and caution apply to vehicle usage at all levels of operation.  These standards of operation are identified as State of Washington and City of Tacoma traffic laws and ordinances.

Officers of the Tacoma Police Department may use tools and tactics outside the parameters of departmental training.  All such applications of vehicle operations shall meet the same standard of reasonableness as those which have been previously identified and approved.  TPD employees shall comply with the current Department training.

The following relating to vehicle operations provides guidance in the application of departmental vehicles as law enforcement tools.

**P3.2.1  EMERGENCY VEHICLE OPERATIONS***CALEA 41.2.1*  *(05/2017)*

***EMERGENCY RESPONSE –*** Officers of the Tacoma Police Department shall be authorized to operate a vehicle under emergency conditions when facts or circumstances are known to the Officer, or are presumed to exist, which reasonably identify a threat to life or serious bodily injury. Emergency response shall require audible signals and visual lights.

Operators of vehicles in emergency operations shall be permitted to:

* Park or stand irrespective of local ordinances
* Proceed past stop signals or stop signs only after slowing for safe operation
* Exceed maximum speed limits so long as life or property is not endangered
* Disregard regulations governing direction of movement or turning in specified directions

***TACTICAL RESPONSE –*** Officers of the Tacoma Police Department shall be authorized to operate a vehicle under tactical response wherein conditions exist not rising to the level of emergency response but exceed routine response, and where one or more of the following, but not limited to, actions may be necessary:

* To expedite response
* To initiate enforcement action
* To deploy the police fleet vehicle as a law enforcement tool

Unless a reasonable Officer Safety concern is present, tactical operations shall be conducted with visible warning lights and audible signal.  As with all other vehicle operations, tactical operations shall be conducted with due care and caution for the safety of the public. *CALEA 41.2.1*

***ROUTINE RESPONSE*** – Officers of the Tacoma Police Department shall operate vehicles in adherence to all traffic regulations and speed limits wherein conditions exist not rising to the level of emergency or tactical response. Calls for service which indicate no apparent exigent circumstances are considered routine response. *CALEA 41.2.1*

1. **Duty of Care**

During Emergency Vehicle Operations, drivers still maintain the duty to drive with due regard for the safety of all persons, and will be held responsible for consequences of their reckless disregard for the safety of others.

*CALEA 41.2.1*

1. **Radio Use**

When an Officer is involved in an emergency (needs assistance/help), all other units will stay off the air except to notify dispatch of their arrival at the scene of the assistance call.  This will allow the unit in trouble to have the frequency to provide updates or slow units down if the situation de-escalates.

1. **Supervisor** *CALEA 41.2.1*

Supervisors shall continually monitor the emergency response of all involved Officers.  Attention shall be given to the ongoing need to maintain emergency response to any given situation.  Considerations for continued response shall be as follows:

* Immediacy of need to arrive
* Traffic and pedestrians
* Weather conditions
* Unreasonable risk to responding Officers or public

1. **Methods of Forcible Stop** *CALEA 41.2.3*

Only members with department-certified training and equipment may use intervention techniques, where appropriate and when reasonable and necessary, and in strict accordance with the following:     *CALEA 41.2.1(c)*

1. **Tire Deflation Devices** *CALEA 41.2.3(a)(b)(c)*

* Tire deflation devices are intended to be used for pursuit termination or as a tactical tool to gain immediate compliance over an actively resistant driver.
* Tire deflation devices shall be deployed using the most current training guidelines.

(Refer to Procedures Manual, [Reporting of Stop Stick Use and Replacement](https://cityoftacoma.sharepoint.com/:w:/r/sites/TPD-CopWeb/asb/accreditation/_layouts/15/Doc.aspx?sourcedoc=%7BA592B394-4740-4034-A490-2FC15EFC289F%7D&file=Reporting%20of%20Stop%20Stick%20Use%20and%20Replacement.docx&action=default&mobileredirect=true)).

1. **Pursuit Immobilization Technique (PIT)** *CALEA 41.2.3(a)(b)(c)(d)*

The Pursuit Immobilization Technique (PIT) is a tool used to reduce risk in bringing pursuits to a conclusion.  PIT is a forced rotation vehicle stop of a suspect vehicle in an effort to end a pursuit. Officers are **not** authorized to execute a PIT maneuver until they have successfully completed a department-authorized PIT certification course. A PIT maneuver shall be deployed using the most current training guidelines. Officers shall not be disciplined for a decision against executing a PIT in a pursuit situation.

* **PIT – Under 40 miles per hour**

PIT maneuvers at less than 40 miles per hour may be executed at the discretion of a fully trained PIT Officer.

* **PIT – Over 40 miles per hour**

PIT maneuvers, if executed at 40 miles per hour or higher, requires supervisory approval.

1. **Ramming** *CALEA 41.2.3(a)(b)*

Ramming is the deliberate act of colliding with another vehicle and using an amount of force likely to cause either serious bodily injury or death to another person. Ramming is considered use of deadly force and can only be applied in strict accordance with [P3.1.6, Life Threatening Deadly Force](https://cityoftacoma.sharepoint.com/:w:/r/sites/TPD-CopWeb/asb/accreditation/_layouts/15/Doc.aspx?sourcedoc=%7B967DBF8E-A1FC-41ED-B008-90DF63C5ADFE%7D&file=P3.1%20Use%20of%20Force.docx&action=default&mobileredirect=true). When a departmental vehicle is being used as an approved tool, no collision report is required.

1. **Vehicle Pinning** *CALEA 41.2.3(a)(b)*

Officers may use their patrol vehicle as a tool to keep a vehicle from moving from a stationary position when it is reasonably believed that the vehicle can/will be used in an attempt to flee lawful detention.

* Officers should consider factors such as potential suspect violence, weapons, tactical position, bystanders, vehicle occupants, and traffic conditions before using this tactic.
* This is a very low speed tactic and should cause little to no vehicle damage.
* When a departmental vehicle is being used as an approved tool, no collision report is required.

1. **Duties and Responsibilities when Attempted/Utilized** *CALEA 41.2.3(e)*
2. **Officer Responsibilities**

* Notify immediate Supervisor
* Refer to actions in the Incident Report Narrative
* If necessary, request qualified medical aid for treatment
* Look for, identify and document all visible damage/injuries
* Inquire of, and document, complaints of non-visible injuries

1. **Supervisor Responsibilities** *CALEA 41.2.3(d)(e)*

* Respond to the scene
* Investigate and review method of forcible stop
* Enter Stop Stick deployment in Blue Team as a Use of Force and forward through chain of command for review

(Refer to [Blue Team UOF/Pursuit/MVC Process](https://cityoftacoma.sharepoint.com/sites/TPD-CopWeb/asb/internalaffairs/Complaint%20Management/Forms/AllItems.aspx?viewpath=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FForms%2FAllItems%2Easpx&id=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team%2FBlueTeam%20Flow%20Chart%20%2D%20Non%20Complaints%2Epdf&viewid=9f260a0e%2D0cf4%2D4a7c%2Da884%2Da26055049650&parent=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team))

1. **Chain of Command Responsibilities** *CALEA 41.2.3(e)*

* Review the Blue Team Use of Force report
* Make comments, if necessary

(Refer to [Blue Team UOF/Pursuit/MVC Process](https://cityoftacoma.sharepoint.com/sites/TPD-CopWeb/asb/internalaffairs/Complaint%20Management/Forms/AllItems.aspx?viewpath=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FForms%2FAllItems%2Easpx&id=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team%2FBlueTeam%20Flow%20Chart%20%2D%20Non%20Complaints%2Epdf&viewid=9f260a0e%2D0cf4%2D4a7c%2Da884%2Da26055049650&parent=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team))

**P3.2.2 VEHICLE PURSUIT OPERATIONS**  *CALEA 41.2.1, 41.2.2 (b)(d)(e)*

The Tacoma Police Department recognizes that under [RCW 46.61.035](http://app.leg.wa.gov/RCW/default.aspx?cite=46.61.035) (see RCW for legislative language in its entirety), Officers have the legal right and duty to apprehend offenders who flee from the police and present a threat to the public.  However, Department members will only engage in pursuits when the necessity to apprehend the violator outweighs the danger posed to the public. Every Department member engaging in a pursuit must be able to articulate what conditions were present that justified the pursuit.

1. **Definitions** (as applied to this Policy) *CALEA 41.2.1 (12/2021)*

* **Vehicular Pursuit** – An active attempt by an Officer to apprehend a suspect who willfully fails to immediately bring their vehicle to a stop and drives in an evasive manner while attempting to elude a pursuing police vehicle.
* **Failure to Yield** – Where an Officer attempts a traffic stop and the driver fails to immediately bring his or her vehicle to a stop and drives in manner that does not violate traffic laws, does not attempt to evade or elude the officer and does not pose an immediate threat to community safety.
* **Officially Marked Patrol Vehicle** – An officially marked patrol vehicle is a vehicle issued by the Department equipped with emergency lights and siren and operated by a commissioned Tacoma Police Department Officer.
* **Supervisor** – A Supervisor shall be a fully commissioned Supervisor of the rank of sergeant or above, or the officially appointed acting sergeant or above.
* **Primary Unit** – The primary unit is the Officer who is closest to the fleeing vehicle.
* **Secondary Unit** – The second Officer to engage in a pursuit, whether upon the request of the primary Officer or Supervisor.
* **Third Unit** – Requested or assigned third unit.

1. **Guidelines** *CALEA 41.2.1, 41.2.2(d)*

* No more than three patrol units should be committed as pursuit vehicles, unless the Supervisor or primary unit specifically advises that additional units are needed to safely affect the arrest of the suspect(s).
* Officers involved in pursuits shall use their radio call number with all radio transmissions, whenever possible.
* Officers transporting persons other than commissioned Officers should not participate in pursuits except in extreme circumstances.
* Officers should not pursue while transporting a prisoner.
* Motorcycle and unmarked units should not participate in pursuits except in extreme circumstances. They should be relieved by an officially marked patrol vehicle as soon as possible.  Continued motorcycle involvement shall be approved by an on-duty Supervisor.
* In the event Canine is available, they should take over the secondary unit position and responsibilities as soon as can be safely accomplished.
* Roadblocks/Rolling Roadblocks should not be employed except as a last resort necessitating the application of deadly force to a life-threatening suspect. *CALEA 41.2.3(a)*
* A supervisor actively involved in a pursuit shall immediately turn command/control of the pursuit over to another supervisor.
* Officers and Supervisors shall not be disciplined for not initiating a vehicle pursuit.

**P3.2.3 INITIATION/TERMINATION OF A PURSUIT** *CALEA 41.2.2(b)(c)(f)(g)(h)(i)(j) (12/2021)*

1. **Initiation Phase** *CALEA 41.2.2(b)*

After receiving supervisor approval officers may initiate a vehicular pursuit when there is probable cause to believe that a person in the vehicle has committed or is committing a violent or sex offence as defined in [RCW 9.94A.030](https://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.030), or the person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances.

The serious risks created during a pursuit require a Police Officer to weigh many factors when deciding whether to pursue the violator. The Officer should consider the overall circumstances in relation to the danger posed to the community and other Officers when deciding to initiate, or terminate, the pursuit of a vehicle.

1. **Termination of a Pursuit** *CALEA 41.2.2(b)(f)(g)*

The decision to terminate a pursuit can be made by the primary Officer or ordered by a Supervisor at any time during the pursuit.  Officers shall terminate a vehicular pursuit when, but not limited to:

* Ordered to terminate by a Supervisor
* In the pursuing Officer's judgment, the risks to self and/or public outweigh the necessity for immediate apprehension
* The distance between the Officer and offender is so great that further pursuit would be futile
* A change in roadway, vehicle, pedestrian or weather conditions occur that significantly increase the risk of danger to the public and Officers
* Malfunctions occur with the pursuing emergency vehicle equipment which would make continuation a significantly greater risk to the public or Officers

Upon termination, Officers will cease following the suspect vehicle and advise South Sound 911 (SS911) dispatch that they have terminated the pursuit.

1. **Primary Unit Responsibilities** *CALEA 41.2.2(b)*

The primary unit is the Officer who is closest to the fleeing vehicle.

1. The primary unit shall advise SS911 Communications of the following, but not limited to:

* Unit identification
* Reason for the pursuit
* Location, direction of travel, speed, and traffic volume on a continuous basis
* Description of the fleeing vehicle and license number, if known
* Description of the suspect driver, if known
* Number of occupants

1. Notification and reporting requirements:

* Notify immediate Supervisor
* Refer to actions in the incident report narrative

1. **Secondary Unit Responsibilities** *CALEA 41.2.2(c)*

The secondary unit shall assume primary responsibility for radio communications and shall replace the primary unit in the event the primary unit cannot continue.

1. **Third Unit Responsibilities**

The third unit shall have the following responsibilities, but not limited to:

* Replace either of the first two units in the event that one of them becomes disabled or is otherwise unable to continue the pursuit.
* Discontinue the pursuit and render aid in the event of a collision involving third parties.
* Be in a position, at the point of pursuit termination, to implement a felony stop, containment, or apprehension of fleeing suspects or to provide traffic control, as necessary.
* In the event that the PIT maneuver is utilized, the third unit will assist the secondary unit in pinning the vehicle.

1. **Assisting Units**

Other patrol units near the pursuit area shall monitor the progress of the pursuit.  They shall not directly engage in the pursuit unless requested by the primary unit or directed by a Supervisor.  These units should be ready to replace any assigned unit in the event they cannot continue.  They should be in position to respond to any collision that may result from the pursuit.  Other Officers should make attempts to safely stop traffic at intersections in the path of the pursuit.  These units should also make attempts to safely respond to a location where they can deploy tire deflation devices.  Backup units should be available to assist in the apprehension of the suspects or provide any needed traffic control at the termination of the pursuit.

1. **Supervisor Responsibilities** *CALEA 41.2.2.(f)*

Upon notification of a pursuit, an on-duty Supervisor shall assume supervisory command of the pursuit and will direct tactics as needed.  In controlling the pursuit, the Supervisor shall be responsible for, but not limited to, the following:

* Advise SS911 dispatch via radio that they are monitoring/directing the pursuit.
* The Supervisor shall order the termination of the pursuit if at any time the danger to the public or the involved Officers outweighs the immediate need for apprehension of the offender.  It is not necessary that the Supervisor be on scene to control and direct the pursuit.
* Direct support units in and out of the pursuit.
* The approval, disapproval, and coordination of pursuit tactics.
* The determination to cross jurisdictional boundaries during the pursuit.
* The Supervisor shall continually assess the pursuit as it applies to [P3.2.3](https://cityoftacoma.sharepoint.com/:w:/r/sites/TPD-CopWeb/asb/accreditation/_layouts/15/Doc.aspx?sourcedoc=%7B9DE05B77-A01B-463C-9393-77D0B04D23BC%7D&file=P3.2%20Use%20of%20Force%20Vehicle%20Operations.docx&action=default&mobileredirect=true).
* Investigate and review the incident.
* Enter the Use of Force in Blue Team and forward through the chain of command for review. (Refer to [Blue Team UOF/Pursuit/MVC Process](https://cityoftacoma.sharepoint.com/sites/TPD-CopWeb/asb/internalaffairs/Complaint%20Management/Forms/AllItems.aspx?viewpath=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FForms%2FAllItems%2Easpx&id=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team%2FBlueTeam%20Flow%20Chart%20%2D%20Non%20Complaints%2Epdf&viewid=9f260a0e%2D0cf4%2D4a7c%2Da884%2Da26055049650&parent=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team))

1. **Chain of Command Responsibilities**

* Review the Blue Team Use of Force report
* Make comments, if necessary.

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1. **Multi-Jurisdictional Vehicular Pursuits** *CALEA 41.2.2(f)(h)*

Tacoma Officers pursuing vehicles into another jurisdiction shall maintain authority and responsibility for the pursuit.  A request should be made to the agency with jurisdiction to take over the primary pursuit position, and the pursuing Officer should assume a secondary role. If Tacoma units continue a pursuit into another jurisdiction, responsibility for their continued involvement rests with the Tacoma Supervisor. All Tacoma Police Department Policy/Procedures pertaining to pursuits are applicable to Officers assisting another jurisdiction in a pursuit or participating in a pursuit in another jurisdiction.

When a police pursuit is originated by another jurisdiction and enters Tacoma, an on-duty Supervisor will advise SS911 dispatch to clear the air with the alert tone and give continual updates on the progress of the pursuit while it is within the city limits. If possible, SS911 will patch the pursuing agency onto a common channel. The on-duty Supervisor will determine what assistance (i.e., tire deflation devices, PIT, and/or taking over primary pursuit functions) is to be rendered and make assignments accordingly. Tacoma Officers will render reasonable assistance to end the pursuit as quickly as possible.

1. **Post Pursuit Requirements** *CALEA 41.2.2(i)*

* At the conclusion of a pursuit, even if the pursuit was terminated with no apprehension, the Supervisor shall ensure a Department incident report is completed. The Supervisor shall also complete an entry into Blue Team and forward through the chain of command for review. The chain of command will review the entry and make comments if necessary. (Refer to [Blue Team UOF/Pursuit/MVC Process.)](https://cityoftacoma.sharepoint.com/sites/TPD-CopWeb/asb/internalaffairs/Complaint%20Management/Forms/AllItems.aspx?viewpath=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FForms%2FAllItems%2Easpx&id=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team%2FBlueTeam%20Flow%20Chart%20%2D%20Non%20Complaints%2Epdf&viewid=9f260a0e%2D0cf4%2D4a7c%2Da884%2Da26055049650&parent=%2Fsites%2FTPD%2DCopWeb%2Fasb%2Finternalaffairs%2FComplaint%20Management%2FBlue%20Team)
* The patrol shift Supervisor shall conduct a turnout critique of the pursuit for training purposes.
* All pursuits that result in death, serious injury, or major property damage will be investigated by the Accident Investigation Team.
* In the event an incident progresses beyond “Failure to Yield” and neither a stop ensues or “Vehicle Pursuit” initiated, the CAD disposition must state – Failure to Yield.