# POLICY REVIEW – IR# 20-85

DATE: November 26,2020 IR# 20-85

SUBJECT: Pursuit/Point Direct Firearm D20-002342 BY: Donna Main

Donna Main, *Sergeant*

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**REQUIRED REPORTING**

**Date/Time:** 11/26/2020 at 1334:37hours

**Length of Pursuit:** .56 miles (Approximately 37 seconds)

**Involved Units/Officers:** Officer Morrison 728

**Initial Reason for the Pursuit:** DV – Protection Order Violation

**Starting Point:** Pottery Ave/Lippert Dr

**Termination Point:** Granat St/ Sidney Ave

**Disposition:** Arrest for DV-Protection Order Violation, Felony Elude and DUI

**Injuries/Property Damage:** No Injuries / No Vehicle Damage

**Medical Treatment:** No medical treatment requested or required

**Supervisor:** Sgt Donna Main

**Preliminary Determination:** Within Policy

**Additional Review/Investigation Needed:** None

**Related Reports:** D20-002342

**APPLICABLE POLICY SECTION(S):**

Policy 300 – Use of Force

Policy 307 – Vehicle Pursuits

**BACKGROUND:**

On 11-26-2020 at approximately 1334:37 hours CenCom dispatched Port Orchard unit to 270 Granat Street for a DV protection order violation in progress. While en route CenCom advised the male half (respondent) was leaving in a white Lexus. Cencom advised there was a no contact order in the system between the parties involved. Officer Morrison advised he was behind the Lexus on Lippert Dr which was failing to yield. Officer Morrison advised the vehicle was southbound on Sidney Ave and left on Granat Street. Officer Morrison didn’t have enough time to provided any further updates on the pursuit other than direction of travel and ending location. The pursuit lasted approximately 37 seconds. It should also be noted that CenCom was dispatching information during this time which limited Officer Morrison’s ability to use the airway.

As the Sergeant on duty I advised CenCom that I was en route to Granat Street. The driver pulled the vehicle back into the protected parties driveway then immetiatley exited the vehicle. Officer Morrison drew his firearm and verbally commanded the suspect to get on the ground. The suspect did not initially follow lawfull commands and reached into his pocket. Officer Morrison held the suspect at gunpoint while he waited for additional untis to arrive. The suspect eventually went down to his knees where he was handcuffed by Officer Eilertson. Once the suspect was placed in handcuffs he was escorted to Officer Morrison’s patrol vehicle. Officer Morrison advised that while reading the suspect his Miranda warnings, which he envoked, he could smell a strong odor of alcohol coming form him.

I arrived on scene and asked the suspect to step out of the patrol vehicle. I asked the suspect if he was injuried and he stated, “No”. I took Overall, mid range and close up photographs of the suspect then had him sit back inside the partol vehicle.

**ANALYSIS:**

To conduct this policy review, I reviewed all written reports, spoke directly to the involved officer and listened to all audio files provided by Kitsap 911 related to this incident.

CenCom dispatched Port Orchard units to an in progress DV protection order violation. Officer Morrison was in the area when the detail came out. CenCom advised the suspect vehicle a white Lexus just left the protected parties address. Officer Morrison advised he was behind the vehicle that matched the description and tried to initiate a vehicle stop. Officer Morrison was driving a fully marked black and white patrol vehicle with his emergency lights and siren activated. Officer Morrison immediately broadcast that a vehicle was failing to yield. Officer Morrison broadcast his position, direction of travel and final location. The entire pursuit lasted approximately 37 seconds.

After debriefing the detail with Officer Morrison he told me that the driver committed the following violations during the pursuit; Speeding 50 mph in posted 25 mph zone, and ran 2 stop signs and passed 2 cars on the left. Officer Morrison remained calm throughout the incident and did not appear to be overwhelmed by the event.

POPD policy states, “It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits” and we must objectively and continuously weigh the seriousness of the offense against the potential danger of innocent motorists, themselves and the public when electing to continue the pursuit.

In this case, the factors that are compelling to continue the pursuit for a brief amount a time are justified. The pursuit ended in an arrest approximately 37 seconds after it began with the suspect returning to the protected parties residence.

Use of Force - (Point and Direct of a duty weapon)

POPD policy states officers, “shall only use that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.” It was reasonable for Officer Morrison in this circumstance to have his firearm out in a low-ready position (Point and Direct) to address the subject who immetialty exited his vehicle after a short pursuit, initially refused to comply with lawfull orders to get on the ground and he appeared to be reaching in his pocket. The situation occurred so fast that there was no other safe opportunity to attempt additional de-escalation techniques.

Based on my review, it is my opinion that Officer Morrisons actions, in this case, were reasonable based upon the circumstances and that the use of force was reasonable and necessary to achieve a legitimate law enforcement purpose. The pursuit and use of force was reasonable and justified.

The suspect vehicle eventually came to a stopped and the driver was arrested on the following charges: Attempting to Elude, DV – Protection Order Violation and DUI.

**CONCLUSION**

The use of force was reasonable, necessary, and within department policy. Officer Morrison complied with all aspects of the above policies reviewed.

**RECOMMENDATION:**

None