# POLICY REVIEW – IR# 20-84

DATE: November 19,2020 IR# 20-84

SUBJECT: Pursuit/PIT/Point Direct Firearm D20-002298 BY: Donna Main

Donna Main, *Sergeant*

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**REQUIRED REPORTING**

**Date/Time:** 11/19/2020 at 1045 hours

**Length of Pursuit:** 5.95 miles (approximately 6 minutes)

**Involved Units/Officers:** Officer Morrison 728 & Officer Schandel 725

**Initial Reason for the Pursuit:** Suspected Stolen vehicle & Vehicle used in recent theft

**Starting Point:** SE Mile Hill DR / Retsil RD

**Termination Point:** PIT occurred on SE Mile Hill DR / Harrison Ave

**Disposition:** Arrest

**Injuries/Property Damage:** No Injuries / Damage to suspect vehicle and both Patrol Vehicles

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

**Supervisor:** Chief Brown

**Preliminary Determination:** To be determined after considering all factors.

**Additional Review/Investigation Needed:** None

**Related Reports:** D20-002280, D20-002299 and K20-00958, WSP #20-020339

**APPLICABLE POLICY SECTION(S):**

Policy 300 – Use of Force

Policy 307 – Vehicle Pursuits

**BACKGROUND:**

On 11-19-2020 at approximately 1045 hours Officer Morrison advised he was behind a vehicle on SE Mile Hill DR that was failing to yield. Officer Schandel was in the area and fell in behind as the second responding police unit. Officer Morrison provided the vehicle description, direction of travel and that the vehicle was a suspected stolen. Officer Schandel advised the vehicle was also involved in a recent theft from Novus. Officer Schandel continued to provided updates on the pursuit including, direction of travel, speed, traffic conditions, the number of occupants, he requested assistance from anyone with spike strips and he requested the assistance from KCSO and WSP.

Chief Brown advised that he was monitoring the pursuit and authorized the Pursuit Intervention Technique (PIT) if the speeds were appropriate. After approximately 6 minutes and 5.95 miles pursuing the vehicle the opportunity to PIT the vehicle was attempted and successfully completed. Once the suspect vehicle was stopped a high-risk stop was performed. Officer Morrison drew his firearm and held the passenger at gunpoint while the driver was being detained. Both occupants of the vehicle were eventually detained without further incident. Through further investigation the vehicle did not return stolen, but it was confirmed to be involved with the Novus Theft and multiple other thefts throughout the county.

**ANALYSIS:**

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

Officer Morrison received information from Officer Gapsch about a vehicle that avoided police contact from him earlier in the night that he believed to be stolen. Officer Morrison saw a vehicle that matched the description that Officer Gapsch provided and tried to initiate a vehicle stop. Officer Morrison immediately broadcast that a vehicle was fleeing at a high rate of speed. Officer Morrison and Officer Schandel continuously broadcast his position, speed, traffic, and roadway conditions, in addition to other traffic violations the suspect was committing during the pursuit. The driver committed the following violations during the pursuit; Sped through several parking lots, hit 2 curbs (eventually popping 1 tire), passed vehicles in the left-hand turn lane, Speeding (60mph in posted 35MPH zone), crossed the center line and ran 2 stop signs. Officer Morrison and Officer Schandel remained calm throughout the incident and did not appear to be overwhelmed by the event. Traffic at the time of this pursuit was light to medium in some areas.

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. Also, pursuits of violators for misdemeanor crimes not involving violence or weapons are generally discouraged.

These are the factors that I considered while conducting this policy review; At the time of the pursuit Officer Morrison suspected the vehicle was stolen based on information he received from another Officer during pass-down. There were no articulable facts to prove the vehicle was in fact stolen when it avoided contact from Officer Gapsch earlier in the night. The vehicle did match the description from a recent theft of property. The driver was reckless as he attempted to flee from Law Enforcement, speeds reached 60 MPH on a major thoroughfare within the city as well as a highly populated residential area. The suspect ran several stop signs, passed vehicles on the left, drove recklessly through several parking lots, and hit two curbs before popping one of the vehicle tires. The reason for the traffic stop was for a possible stolen vehicle and a stop and ID as the vehicle was used in a low-level theft, both of which are property crimes.

Chief Brown demonstrated in his radio transmissions that he was actively monitoring speed, road, and driving conditions throughout the event. Chief Brown advised over the radio he authorized the Pursuit Intervention Technique (PIT) at appropriate speeds. Generally, the Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command and in this case, there were not Sergeants on duty so Chief Brown assumed command.

The PIT maneuver was successfully performed by Officer Morrison with both suspects eventually being detained. The driver was ultimately arrested on the following charges: Attempting to Elude, Possession of Stolen Property, Possession of Meth, Use of drug paraphernalia and a warrant.

As for the 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 2 subjects who may have weapons within their reach inside a vehicle. The situation occurred so fast that there was no other safe opportunity to attempt additional de-escalation techniques.

**CONCLUSION**

Based upon the totality of the event, reading the officers reports, speaking directly with them, listening to the audio provided by CenCom and reviewing the applicable policies I did not find any specific policy violations for continuing this pursuit or performing the PIT. While it is generally discouraged to pursuit for misdemeanor crimes our policy does not state “Shall Not” therefore no policy violations occurred.

The driver was subsequently arrested on the following charges: Attempting to Elude a Pursing Police Vehicle, VUCSA- Meth, Possession of Stolen Property, Use of Drug Paraphernalia, and a warrant.

**RECOMMENDATION:**

As a unified command staff, review Policy 307 - Vehicle Pursuits and determine if any of the language needs adjusted for further calcification. The policy was reviewed on December 9, 2020 by the command staff. After a lengthy discussion it was determined that the current policy would remain the same.

Photographs need to be taken of the suspect and submitted with the use of force report.