

HOUSE BILL REPORT

HB 1795

As Reported By House Committee On:
Judiciary

Title: An act relating to vehicular pursuit by law enforcement officers.

Brief Description: Regulating vehicular pursuit.

Sponsors: Representatives J. Kohl, Padden, Riley, Appelwick, Foreman, Roland, R. Fisher, Dellwo, Campbell, Anderson, Wineberry and Johanson.

Brief History:

Reported by House Committee on:
Judiciary, March 2, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Margaret Allen (786-7191).

Background: According to the National Highway Safety Administration, two of every five high-speed police chases result in property damage, and one in four results in bodily injury. During the 1980s, police vehicular pursuits in Washington resulted in 46 fatalities. During 1990 and 1991, such pursuits resulted in a total of six fatalities.

A law enforcement agency is not required to adopt a vehicular pursuit policy, and no statutory guidelines exist for the contents of such policies.

The Washington State Criminal Justice Training Commission is responsible for programs and standards for training criminal justice personnel. Neither the Criminal Justice Training Commission nor a law enforcement agency is required to train law enforcement officers in vehicular pursuits.

Summary of Substitute Bill: The Legislature finds whether to initiate and how to conduct a vehicular pursuit requires careful evaluation of numerous factors by the law enforcement officers involved, the risk posed to bystanders and to property being of great significance. The Legislature further finds law enforcement officers may benefit from additional training on vehicular pursuits, and written policies may help reduce the risks inherent in such pursuits.

By September 30, 1993, the Washington State Criminal Justice Training Commission, Washington State Patrol and Washington Association of Sheriffs and Police Chiefs must develop a written model vehicular pursuit policy. The model policy must meet all of the following minimum standards:

- (1) Provide for supervisory control, if available, of the pursuit;
- (2) Provide procedures for designating the primary pursuit vehicle and for determining the total number of vehicles permitted to participate in a pursuit;
- (3) Provide procedures for coordinating operations with other jurisdictions; and
- (4) Provide guidelines for determining when a pursuit should not be initiated or should be terminated.

By December 31, 1993, all law enforcement agencies must adopt and implement a vehicular pursuit policy, which need not be the model policy. Any policy adopted must address the minimum requirements described above.

By December 31, 1995, every full-time law enforcement officer must be trained on vehicular pursuits, and every new full-time officer must be trained within six months of employment.

The Criminal Justice Training Commission, in consultation with the Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs, must develop and conduct the training. At a minimum, the training is to cover the standards required for a vehicular pursuit policy.

Substitute Bill Compared to Original Bill: A legislative finding is added that written policies on vehicular pursuits may help reduce the risks inherent in such pursuits.

Vehicular pursuit is undefined.

By September 30, 1993, the Washington State Criminal Justice Training Commission, the Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs must develop a written model policy on vehicular pursuits.

The date by which every full-time law enforcement officer must be trained on vehicular pursuits is delayed one year.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Vehicular pursuits can be expensive in terms of human life, property damage, and fiscal resources due to governmental liability for resulting accidents. Since the Criminal Justice Training Commission already trains law enforcement officers, no additional expense would be involved in including vehicular pursuit training. There are several hundred different vehicular pursuit policies currently in effect in Washington; consider requiring the Washington Association of Sheriffs and Police Chiefs to develop a model policy.

Testimony Against: None.

Witnesses: Representative Jeanne Kohl, prime sponsor; Mike Patrick, Washington State Council of Police Officers; Tim Erickson, Washington State Patrol; and Jim Scott, Criminal Justice Training Commission (suggested amendment).