

HOUSE BILL REPORT

SHB 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, February 1, 1994, DP2S.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

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 Second Substitute Bill: The Legislature finds whether to initiate and how to conduct a vehicular pursuit requires careful evaluation by the law enforcement officers involved of the risk posed to bystanders and to property. 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, 1994, 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, 1994, 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, 1996, 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.

Second Substitute Bill Compared to Substitute Bill: The dates by which obligations must be fulfilled under the bill are postponed.

Fiscal Note: Available.

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

Testimony For: Vehicular pursuits are analogous to the use of deadly force. The bill should require the person being pursued to have committed a felony and to pose a threat of serious harm to others. The bill should make explicit that law enforcement agencies and employees are immune from suits, brought by persons pursued, for injuries resulting from the pursuit. A model policy is a good idea.

Testimony Against: None.

Witnesses: Tim Schellberg, Washington State Council of Police Officers (suggested amendment); Tim Erickson, Washington State Patrol (pro); Jerry Sheehan, American Civil Liberties Union (suggested amendment); and John Reed and Kyle Aiken, King County Department of Public Safety (pro).