

HOUSE BILL REPORT

SSB 6496

As Reported by House Committee On:
Criminal Justice & Corrections

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

Brief Description: Regulating vehicular pursuit.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Kline, McCaslin and Winsley).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/28/02 [DP].

Brief Summary of Substitute Bill

- Requires the Washington State Criminal Justice Training Commission (CJTC) and other relevant state organizations to create a written model policy on vehicular pursuits by December 1, 2002.
- Requires every state, county and municipal law enforcement agency to adopt and implement a written vehicular pursuit policy by June 1, 2003.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Ryan Jensen (786-5793).

Background:

The Washington State Patrol (WSP) has guidelines on police pursuits and many police departments base their policies on them. However, the policies differ from department to department with respect to how pursuits are conducted. Some departments, for example, tightly restrict pursuits, while others permit pursuit at an officer's discretion.

A general authority peace officer has authority to enforce the traffic and criminal laws of

this state including when the officer is in fresh pursuit. Any peace officer who has authority under Washington law to make an arrest may proceed in fresh pursuit of a person who is reasonably believed to have committed a violation of traffic or criminal laws, or for whom such officer holds a warrant of arrest. "Fresh pursuit" is not necessarily immediate pursuit, but pursuit without unreasonable delay.

Summary of Bill:

By December 1, 2002, the CJTC, the Washington State Patrol, the Washington Association of Sheriffs and Police Chiefs, and organizations representing state and local law enforcement officers must create a written model policy on vehicular pursuits. The policy must provide the following minimum requirements: (1) supervisory control, if available, of the pursuit; (2) procedures for designating the primary pursuit vehicle and for determining the total number of vehicles permitted to participate in a pursuit; (3) procedures for coordinating operations with other jurisdictions; and (4) guidelines for determining when the interests of public safety and effective law enforcement, justify a vehicular pursuit and when a pursuit should not be initiated or should be terminated.

By June 1, 2003, every state, county, and municipal law enforcement agency is required to adopt and implement a written vehicular pursuit policy. The policy need not be the model policy drafted by the CJTC and other relevant state organizations, but any policy adopted must meet the minimum requirements listed above.

By June 30, 2005, every full-time law enforcement officer employed by a state, county, or municipal law enforcement agency must have received training on vehicular pursuits. After June 30, 2005, every new full-time law enforcement officer employed by a state, county, or municipal law enforcement agency must receive training on vehicular pursuits within six months of employment. Law enforcement officers who are employed as of the effective date of this act are not required to receive new training on vehicular pursuit.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: One in five police chases ends in someone getting hurt, and often it is a police officer or innocent bystander. From 1996 to 2000, 22 people were killed in police chases in the state. Not every law enforcement agency in the state has a written vehicular pursuit policy. This bill is needed because it requires all law enforcement agencies to have thought through these issues and to have come up with a written policy. This bill would not require local departments to adopt the state model policy, but would

give them a framework for addressing the issue in a way that is appropriate for their respective jurisdictions.

Testimony Against: None.

Testified: Senator Kohl-Wells, prime sponsor; Mike Chapin, citizen; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Jerry Sheehan, American Civil Liberties Union of Washington; Captain Glen Cramer, Washington State Patrol; Bill Hanson, Washington Council of Police and Sheriffs; and Michael Parsons, Criminal Justice Training Commission.