

HOUSE BILL REPORT

SSB 5165

As Passed House:

April 8, 2003

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

Brief Description: Regulating vehicular pursuit.

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

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/21/03, 4/2/03 [DP].

Floor Activity:

Passed House: 4/8/03, 95-0.

Brief Summary of Substitute Bill

- Requires the development of a model policy on vehicular pursuits by law enforcement officers.
- Requires law enforcement agencies to adopt a written vehicular pursuit policy.
- Requires new law enforcement officers to be trained in vehicular pursuits.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Jim Morishima (786-7191).

Background:

A peace officer who has authority to make an arrest may proceed in fresh pursuit of a person: (a) who is reasonably believed to have committed a violation of traffic or criminal laws; or (b) for whom the peace officer has an arrest warrant. The peace officer has the authority to arrest the person and hold him or her in custody anywhere in the

state. When proceeding in pursuit of a suspect, the peace officer may violate certain rules of the road including stop signals, speed limits, parking restrictions, and regulations governing direction of movement or turning in specified directions.

The Washington State Patrol (WSP) has developed guidelines for police pursuits. Although many jurisdictions base their policies on this model, they are not required to do so. For this reason, pursuit guidelines can vary from jurisdiction to jurisdiction.

Summary of Bill:

By December 1, 2003, the Washington State Criminal Justice Training Commission (CJTC), the WSP, the Washington Association of Sheriffs and Police Chiefs, and organizations representing state and local law enforcement officers must develop a written model policy on vehicular pursuits.

The policy must meet the following minimum standards:

- Provide for supervisory control, if available;
- Provide procedures for designating the primary pursuit vehicle and for determining the total number of vehicles allowed to participate in the pursuit at one time;
- Provide procedures for coordinating operations with other jurisdictions; and
- Provide guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

By June 1, 2004, every state, county, and municipal law enforcement agency must adopt and implement a written vehicular pursuit policy. A law enforcement agency may adopt the model policy. However, if the agency adopts its own policy, the policy must meet the same minimum standards as the model policy.

Each new law enforcement officer hired after the effective date of the act must be trained on vehicular pursuits by June 30, 2006. Beginning July 1, 2006, every new full-time law enforcement officer must be trained on vehicular pursuits within six months of employment. Law enforcement officers who are already employed as of the effective date of the act do not have to receive vehicle pursuit training.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Many people have concerns about fatalities and injuries in vehicular pursuits. These pursuits are very dangerous. Many victims are persons not involved in the pursuit. Police officers also are injured and are killed in vehicular pursuits. Pursuits can be justified and this bill does not prohibit vehicular pursuits. Vehicular pursuits are a privilege, like the use of force. This bill increases public safety by requiring a policy that can be tailored to individual departments. The state patrol and many other law enforcement agencies already have policies on vehicular pursuit. This makes sure that all law enforcement agencies have policies and that they are standardized. The model policy will help smaller agencies develop their policies. This bill will also help reduce the tort liability faced by law enforcement agencies.

Testimony Against: None.

Testified: Senator Kohl-Wells, prime sponsor; Senator Brandland; Glenn Cramer, Washington State Patrol; Larry Erickson, Washington Association of Sheriffs and Police Chiefs; and Jerry Sheehan, American Civil Liberties Union of Washington.