

SENATE BILL REPORT

SB 5533

As of January 27, 2023

Title: An act relating to the creation of a model vehicle pursuit policy for law enforcement agencies and the creation of a vehicle pursuit technology grant program.

Brief Description: Concerning the creation of a model vehicle pursuit policy.

Sponsors: Senators Lovick, Randall, Dhingra, Hunt, Liias, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Saldaña, Shewmake and Van De Wege.

Brief History:

Committee Activity: Law & Justice: 1/30/23.

Brief Summary of Bill

- Creates a model vehicle pursuit policy work group within the Criminal Justice Training Commission.
- Creates a law enforcement technology grant program related to modern vehicle pursuit management technology.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: A vehicle pursuit means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator appears to be aware that the officer is signaling the operator to stop the vehicle, and the operator appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing the vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

A peace officer may not engage in a vehicle pursuit, unless:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- there is probable cause to believe that a person in the vehicle has committed or is committing a violent offense, sex offense or an escape offense, or there is reasonable suspicion that a person in the vehicle has committed or is committing a driving under the influence offense;
- the pursuit is necessary for the purpose of identifying or apprehending the person; and
- the person poses an imminent threat to the safety of others and the safety risk of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances.

An officer must receive authorization to engage in any vehicular pursuit from a supervising officer, and there must be supervisory control of any vehicular pursuit. The supervising officer must consider the justification for the vehicular pursuit, and other safety considerations, including speed, weather, traffic, road conditions, and the known presence of minors in the vehicle.

In jurisdictions with fewer than ten commissioned officers, if a supervisor is not on duty at the time, the pursuing officer will request the on-call supervisor be notified of the pursuit according to agency procedures. In the absence of a supervisor in these circumstances, the pursuing officer must still comply with the same requirements and safety considerations in evaluating whether to conduct or terminate a pursuit.

A pursuing officer must comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicle pursuit, and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The Criminal Justice Training Commission (CJTC) must convene a work group to develop a model vehicle pursuit policy for peace officers. CJTC must ensure the work group is comprised of both community and law enforcement stakeholders, including the Washington Association of Sheriffs and Police Chiefs, the Washington Fraternal Order of Police, a community organization working on traffic safety issues, and a statewide organization working on police accountability.

In drafting the model vehicle pursuit policy, the work group must consider certain circumstances related to vehicle pursuits including:

- where vehicle pursuits may not be justified;
- where peace officers should consider the use of tactics other than engaging in a vehicle pursuit;
- factors influencing the termination of a pursuit; and
- procedures and tactics for officers engaged in a pursuit.

Law enforcement agencies may submit a preferred vehicle pursuit policy to the work group

for its review and consideration.

CJTC must present the model vehicle pursuit policy to the appropriate committees of the Legislature, and publish the policy on its website no later than October 31, 2024.

Subject to appropriations, CJTC must develop and implement a law enforcement technology grant program for the purpose of providing law enforcement with modern vehicle pursuit management technology such as GPS tracking equipment, automated license plate reading technology, and drones.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on January 26, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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