
Public Safety Committee

HB 1788

Brief Description: Concerning vehicular pursuits.

Sponsors: Representatives Robertson, Mosbrucker, Ybarra, Klippert, Chase, Walsh, Rude, Klicker, Chambers, Barkis, Dufault, Jacobsen, Caldier, Griffey, Kraft, Graham and Young.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows an officer to engage in a vehicular pursuit when there is reasonable suspicion that a person in the vehicle has committed or is committing a criminal offense, subject to certain safety restrictions.• Modifies the requirements relating to supervision of vehicular pursuits.
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Hearing Date: 1/18/22

Staff: Kelly Leonard (786-7147).

Background:

A "vehicular pursuit" refers to the attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer. When engaging in a vehicular pursuit, a peace officer may violate certain rules of the road, including, for example, stop signals, speed limits, and parking restrictions.

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

- there is probable cause to believe that a person in the vehicle has committed or is

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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 risks 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.

There are additional requirements relating to supervision of vehicular pursuits. The pursuing officer must receive authorization from a supervising officer to engage in the 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 10 commissioned officers, if a supervising officer 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 supervising officer 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 vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

Summary of Bill:

The restrictions on vehicular pursuits are modified by expanding the circumstances in which an officer is permitted to engage in pursuits and removing the requirement for the presence of an imminent threat to the safety of others. A peace officer may not engage in a vehicular pursuit, unless:

- there is reasonable suspicion that a person in the vehicle has committed or is committing a criminal offense; and
- the safety risks 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.

The requirements regarding supervision of vehicular pursuits are removed and replaced. A peace officer may not engage in a vehicular pursuit unless, the officer notifies a supervising officer immediately upon initiating the vehicular pursuit, informing the supervisor of the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer, in consultation with the supervising officer, must also consider alternatives to the vehicular pursuit.

Appropriation: None.

Fiscal Note: Requested on January 12, 2022.

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