

SENATE BILL REPORT

SI 2113

As of February 27, 2024

Title: An act relating to vehicular pursuits by peace officers.

Brief Description: Concerning vehicular pursuits by peace officers.

Sponsors: People of the State of Washington.

Brief History:

Committee Activity: Law & Justice: 2/28/24.

Brief Summary of Bill

- Expands authorization for vehicular pursuits by allowing an officer to conduct a vehicular pursuit where there is reasonable suspicion a person has violated the law.
- Modifies the risk assessment for engaging in vehicular pursuits by providing that an officer may not engage in a vehicular pursuit unless the person poses a 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 of the vehicular pursuit under the circumstances.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: Initiative Process. Article II, Section 1, of the Washington State Constitution authorizes the initiative process, allowing the people to place a proposition on the ballot or to submit the proposed law to the Legislature. If an initiative to the Legislature is certified, the Legislature must take one of the following three actions:

- adopt the initiative as proposed, in which case it becomes law without a vote of the people;

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- reject or take no action on the measure, under either case the measure will automatically be placed on the ballot in the next state general election; or
- propose an alternative measure, in which case the initiative and alternative will both appear on the ballot as competing measures in the next state general election.

Vehicle Pursuits. Law enforcement officers with arrest authority may engage in fresh pursuit of a person who is reasonably believed to have committed a violation of traffic or criminal laws or for whom the officer has an arrest warrant. This includes engaging in a vehicular pursuit of a person who is fleeing in a vehicle. When engaged in a vehicular pursuit, an officer may violate certain rules of the road, including stop signals, speed limits, and parking restrictions.

A vehicle pursuit is an attempt by a uniformed peace officer, in a vehicle equipped with emergency lights and a siren, to stop a moving vehicle when the operator of the vehicle appears to be aware the officer is signaling the operator to stop the vehicle, and the operator of the 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.

In 2021 the Legislature passed ESHB 1054 which, in part, codified state-wide regulations on vehicle pursuits. The law prohibited vehicle pursuits unless:

- there is probable cause to believe that a person in the vehicle has committed or is committing a violent offense, sex offense, or 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 fleeing 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.

To engage in the vehicular pursuit the officer must have received authorization from a supervising officer, and there must be supervisory control of the pursuit. The supervising officer is required to consider the justification for the pursuit and safety factors such as speed, weather, traffic, road conditions, and the known presence of minors in the vehicle.

The bill provided exceptions to the supervisory control requirement for agencies with fewer than ten commissioned officers if a supervisor was not on duty. However, in this circumstance, the pursuing officer was still obligated to comply with the same requirements and safety considerations in evaluating whether to conduct or terminate the pursuit.

In 2023 the Legislature passed ESSB 5352 which amended the statute regulating vehicular pursuits. Under the new law, the evidentiary threshold to engage in a pursuit was lowered from probable cause to a reasonable suspicion a person in the vehicle has committed or is committing one of the enumerated offenses, and vehicular assaults and domestic violence

assaults were added to the list of crimes for which an officer could engage in a pursuit. The bill also modified the risk assessment for engaging in vehicular pursuits by providing that an officer may not engage in a vehicular pursuit unless the fleeing person poses a serious risk of harm, rather than an imminent threat, to the safety of others.

The following changes were made to the vehicular pursuit statute:

- rather than receiving authorization from a supervising officer, the pursuing officer must immediately notify a supervising officer;
- jurisdictions with 15, rather than 10, commissioned officers must request the on-call supervisor be notified of the pursuit;
- the supervising officer, the pursuing officer, or dispatcher must notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit and must comply with any agency procedures for coordinating operations with other jurisdictions;
- the pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervising officer, and the dispatch agency;
- as soon as practicable after initiating the pursuit, the pursuing officer, supervising officer, or the responsible agency must develop a plan to end the pursuit through the use of available pursuit intervention options; and
- to engage in a pursuit, the pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training within the previous two years, where applicable, and must be certified in at least one pursuit intervention option.

A vehicle pursuit not meeting these requirements must be terminated.

Summary of Bill: The statute regulating vehicular pursuits is amended. The evidentiary threshold required for engaging in a vehicular pursuit is modified to allow an officer to conduct the vehicular pursuit where there is reasonable suspicion a person has violated the law, provided all other statutory requirements for the vehicular pursuit are met.

The required risk assessment for the vehicular pursuit is modified to specify that an officer may not engage in the vehicular pursuit unless the person poses a 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 of the vehicular pursuit under the circumstances.

Appropriation: None.

Fiscal Note: Available.

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

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