

Comparison of Vehicular Pursuit Legislation:

Engrossed Substitute House Bill 1054 (enacted 2021);

Engrossed Senate Bill 5352 (enacted 2023); and Initiative 2113 (introduced 2024)

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Definition of Vehicular Pursuit

◇ ESHB 1054

- ◇ A “vehicular pursuit” is 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 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.

◇ ESB 5352 (i.e., current law - RCW 10.116.060)

- ◇ Unchanged from ESHB 1054.

◇ I-2113

- ◇ Unchanged from ESB 5352.

Pursuable Violations

◇ ESHB 1054

- ◇ 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; or
- ◇ There is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense.

◇ ESB 5352

- ◇ There is reasonable suspicion to believe a person in the vehicle has committed or is committing:
 - ◇ A violent offense;
 - ◇ A sex offense;
 - ◇ A vehicular assault offense;
 - ◇ A domestic violence assault offense;
 - ◇ An escape; or
 - ◇ A driving under the influence offense.

◇ I-2113

- ◇ There is reasonable suspicion a person has violated the law.

Necessity & Risk Assessment of the Pursuit

◇ ESHB 1054

- ◇ 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 of the pursuit under the circumstances.

◇ ESB 5352

- ◇ Necessary for the purpose of identifying or apprehending the person; and
- ◇ The person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the pursuit under the circumstances.

◇ I-2113

- ◇ Necessary for the purpose of identifying or apprehending the person; and
- ◇ 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 pursuit under the circumstances.

Supervision of the Pursuit

◇ ESHB 1054

- ◇ The pursuing officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit.
 - ◇ The pursuing officer, in consultation with the supervisor, must consider alternatives to the pursuit.
 - ◇ The supervisor must consider the justification for the pursuit and other safety considerations.
- ◇ For jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the pursuing officer must request the on-call supervisor be notified of the pursuit.
 - ◇ The pursuing officer must consider alternatives to the pursuit, the justification for the pursuit, and other safety considerations.

◇ ESB 5352

- ◇ The pursuing officer notifies a supervising officer immediately upon initiating the pursuit and there is supervisory oversight of the pursuit.
 - ◇ The pursuing officer, in consultation with the supervisor, must consider alternatives to the pursuit, the justification for the pursuit, and other safety considerations.
- ◇ For jurisdictions with fewer than 15 commissioned officers, if a supervisor is not on duty at the time, the pursuing officer must request the on-call supervisor be notified of the pursuit.
 - ◇ The pursuing officer must consider alternatives to the pursuit, the justification for the pursuit, and other safety considerations.

◇ I-2113

- ◇ Unchanged from ESB 5352.

Compliance with Agency Procedures

◆ ESHB 1054

- ◆ Pursuing officer must comply with agency procedures for designating the primary pursuit vehicle and determining appropriate number of pursuing vehicles.
- ◆ Pursuing officer must comply with agency procedures for coordinating operations with other jurisdictions.

◆ ESB 5352

- ◆ The pursuing officer and the supervising officer, if applicable, must comply with agency procedures for identifying the primary pursuit vehicle and the appropriate number of pursuing vehicles.
- ◆ The pursuing officer and the supervising officer, if applicable, must comply with agency procedures for coordinating operation with other jurisdictions.

◆ I-2113

- ◆ Unchanged from ESB 5352.

Communication with Other Law Enforcement Personnel

- ◇ ESHB 1054

- ◇ Silent.

- ◇ ESB 5352

- ◇ The pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervising officer, if applicable, and the dispatch agency.

- ◇ I-2113

- ◇ Unchanged from ESB 5352.

Ending the Pursuit

- ◇ ESHB 1054

- ◇ Silent.

- ◇ ESB 5352

- ◇ As soon as practicable after initiating a pursuit, the pursuing officer, supervising officer, or responsible agency must develop a plan to end the pursuit through the use of available pursuit intervention options.

- ◇ I-2113

- ◇ Unchanged from ESB 5352.

Training for Pursuing Officers

- ◆ ESHB 1054

- ◆ Silent.

- ◆ ESB 5352

- ◆ To engage in a pursuit an officer must:

- ◆ Have completed an emergency vehicle operator's course;

- ◆ Have completed updated emergency vehicle operator training in the previous two years, where applicable;

- ◆ Such training must include training on performing pursuit risk assessment analysis; and

- ◆ Be certified in at least one pursuit intervention option.

- ◆ I-2113

- ◆ Unchanged from ESB 5352.

Firing a Weapon at a Moving Vehicle

◇ ESHB 1054

- ◇ Officers may not fire a weapon at a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or passenger's use of a deadly weapon.

◇ ESB 5352

- ◇ Unchanged from ESHB 1054.

◇ I-2113

- ◇ Unchanged from ESB 5352.