

# SENATE BILL REPORT

## SSB 6496

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As Passed Senate, February 18, 2002

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

**Brief Description:** Regulating vehicular pursuit.

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

**Brief History:**

**Committee Activity:** Judiciary: 2/5/02, 2/6/02 [DPS].

Passed Senate: 2/18/02, 47-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6496 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

**Staff:** Lidia Mori (786-7755)

**Background:** National statistics reveal one third of police chases result in crashes and one out of every five result in someone getting hurt. Donald Van Blaricom, a former Bellevue police chief who wrote a precedent-setting policy restricting pursuits, was quoted in the Eastside Journal as saying "the most dangerous police action there is to you, as a private citizen just driving through an intersection, is a police pursuit." The Washington State Patrol has produced guidelines on police pursuits and many police departments base their policies on them. However, policies differ from department to department with some permitting pursuit at an officer's discretion and others tightly restricting pursuits.

A general authority Washington State peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency may enforce the traffic or criminal laws of this state including when the officer is in fresh pursuit. Any peace officer with authority to make an arrest may proceed in fresh pursuit of a person who is reasonably believed to have committed a traffic or criminal law violation or for whom the officer holds a warrant of arrest. "Fresh pursuit" does not necessarily imply immediate pursuit but pursuit without unreasonable delay.

**Summary of Bill:** The Washington State Criminal Justice Training Commission, the Washington State Patrol, and the Washington Association of Sheriffs and Police Chiefs must create a written model policy on vehicular pursuits. It must provide for: (a) supervisory control, if available, of the pursuit; (b) procedures for designating the primary pursuit vehicle and how many vehicles are permitted to participate in the pursuit; (c) procedures for coordinating operations with other jurisdictions; and (d) guidelines for determining when the

interests of public safety and effective law enforcement justify a pursuit and when it should not be initiated or terminated. By June 1, 2003, every state, county, and municipal law enforcement agency must adopt and implement a vehicular pursuit policy. By June 30, 2005, every full-time law enforcement officer employed by a state, county, or municipal law enforcement agency must be trained on vehicular pursuits. Every new full-time law enforcement officer employed after June 30, 2005, must be trained on vehicular pursuit within six months of employment. Law enforcement officers who are employed as of the effective date of this act are not required to receive new training on vehicular pursuit.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2002.

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

**Testimony For:** In the last month there has been a rash of hot pursuits in the Puget Sound area. There have been four deaths in King County and three in Pierce in the last several weeks. Sixty percent of high speed police pursuits are due to a suspect who has committed a minor traffic violation. Forty percent end in crashes and 1,600 people have died in a five-year period. The police officers and suspects involved are usually young males and innocent bystanders get hurt or killed too. The point of this legislation is to ensure that all departments have a policy. The bill does not seek to prohibit pursuits. These people that are being pursued by the police may deserve to go to jail but they do not deserve to die.

**Testimony Against:** None.

**Testified:** PRO: Senator Kohl-Welles, prime sponsor; Helen Sheets; Larry Erickson, WA State Patrol; Gerald Sheahan, ACLU.