

INITIATIVE 2113

1 AN ACT Relating to restoring the authority of a peace officer to
2 engage in a vehicular pursuit when there is reasonable suspicion a
3 person has violated the law and the officer follows appropriate
4 safety standards; and amending RCW 10.116.060.

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 10.116.060 and 2023 c 235 s 1 are each amended to
7 read as follows:

8 (1) A peace officer may not engage in a vehicular pursuit,
9 unless:

10 (a) There is reasonable suspicion (~~(to believe that)~~) a person
11 (~~(in the vehicle has committed or is committing:~~

12 ~~(i) A violent offense as defined in RCW 9.94A.030;~~

13 ~~(ii) A sex offense as defined in RCW 9.94A.030;~~

14 ~~(iii) A vehicular assault offense under RCW 46.61.522;~~

15 ~~(iv) An assault in the first, second, third, or fourth degree~~
16 ~~offense under chapter 9A.36 RCW only if the assault involves domestic~~
17 ~~violence as defined in RCW 10.99.020;~~

18 ~~(v) An escape under chapter 9A.76 RCW; or~~

19 ~~(vi) A driving under the influence offense under RCW 46.61.502))~~
20 has violated the law;

1 (b) The pursuit is necessary for the purpose of identifying or
2 apprehending the person;

3 (c) The person poses a (~~serious risk of harm to~~) threat to the
4 safety of others and the safety risks of failing to apprehend or
5 identify the person are considered to be greater than the safety
6 risks of the vehicular pursuit under the circumstances; and

7 (d) (i) Except as provided in (d) (ii) of this subsection, the
8 pursuing officer notifies a supervising officer immediately upon
9 initiating the vehicular pursuit; there is supervisory oversight of
10 the pursuit; and the pursuing officer, in consultation with the
11 supervising officer, considers alternatives to the vehicular pursuit,
12 the justification for the vehicular pursuit and other safety
13 considerations, including but not limited to speed, weather, traffic,
14 road conditions, and the known presence of minors in the vehicle;

15 (ii) For those jurisdictions with fewer than 15 commissioned
16 officers, if a supervisor is not on duty at the time, the pursuing
17 officer requests the on-call supervisor be notified of the pursuit
18 according to the agency's procedures, and the pursuing officer
19 considers alternatives to the vehicular pursuit, the justification
20 for the vehicular pursuit, and other safety considerations, including
21 but not limited to speed, weather, traffic, road conditions, and the
22 known presence of minors in the vehicle.

23 (2) In any vehicular pursuit under this section:

24 (a) The pursuing officer and the supervising officer, if
25 applicable, shall comply with any agency procedures for designating
26 the primary pursuit vehicle and determining the appropriate number of
27 vehicles permitted to participate in the vehicular pursuit;

28 (b) The supervising officer, the pursuing officer, or dispatcher
29 shall notify other law enforcement agencies or surrounding
30 jurisdictions that may be impacted by the vehicular pursuit or called
31 upon to assist with the vehicular pursuit, and the pursuing officer
32 and the supervising officer, if applicable, shall comply with any
33 agency procedures for coordinating operations with other
34 jurisdictions, including available tribal police departments when
35 applicable;

36 (c) The pursuing officer must be able to directly communicate
37 with other officers engaging in the pursuit, the supervising officer,
38 if applicable, and the dispatch agency, such as being on a common
39 radio channel or having other direct means of communication;

1 (d) As soon as practicable after initiating a vehicular pursuit,
2 the pursuing officer, supervising officer, if applicable, or
3 responsible agency shall develop a plan to end the pursuit through
4 the use of available pursuit intervention options, such as the use of
5 the pursuit intervention technique, deployment of spike strips or
6 other tire deflation devices, or other department authorized pursuit
7 intervention tactics; and

8 (e) The pursuing officer must have completed an emergency vehicle
9 operator's course, must have completed updated emergency vehicle
10 operator training in the previous two years, where applicable, and
11 must be certified in at least one pursuit intervention option.
12 Emergency vehicle operator training must include training on
13 performing the risk assessment analysis described in subsection
14 (1)(c) of this section.

15 (3) A vehicle pursuit not meeting the requirements under this
16 section must be terminated.

17 (4) A peace officer may not fire a weapon upon a moving vehicle
18 unless necessary to protect against an imminent threat of serious
19 physical harm resulting from the operator's or a passenger's use of a
20 deadly weapon. For the purposes of this subsection, a vehicle is not
21 considered a deadly weapon unless the operator is using the vehicle
22 as a deadly weapon and no other reasonable means to avoid potential
23 serious harm are immediately available to the officer.

24 (5) For purposes of this section, "vehicular pursuit" means an
25 attempt by a uniformed peace officer in a vehicle equipped with
26 emergency lights and a siren to stop a moving vehicle where the
27 operator of the moving vehicle appears to be aware that the officer
28 is signaling the operator to stop the vehicle and the operator of the
29 moving vehicle appears to be willfully resisting or ignoring the
30 officer's attempt to stop the vehicle by increasing vehicle speed,
31 making evasive maneuvers, or operating the vehicle in a reckless
32 manner that endangers the safety of the community or the officer.