

## **MUTUAL LAW ENFORCEMENT ASSISTANCE AGREEMENT**

### **CONDUCTING VEHICULAR PURSUITS**

**Battle Ground Police Department, Camas Police Department, Clark County Sheriff's Office, La Center Police Department, Ridgefield Police Department, Washougal Police Department, Washington State University, and Vancouver Police Department**

THIS MUTUAL LAW ENFORCEMENT ASSISTANCE AGREEMENT is entered into by and between the undersigned parties in order to set uniform guidelines for members who respond to calls for service and take courtesy reports for outside agencies.

This Agreement is subject to all consistent terms and conditions of that certain Master Interlocal Mutual Law Enforcement Assistance Agreement ("Master Agreement") executed in 2010 by the parties, and recorded with the Clark County Clerk's Office under Recording Number 3379036, except as expressly provided herein.

Therefore, for and in consideration of the following covenants, the parties agree as follows:

**Effective Date and Duration.** This Agreement shall be effective from the date the Agreement is executed by at least two parties and shall renew automatically on the first day of each following January thereafter unless terminated in accordance with the provisions of the Master Agreement between the parties.

**Purpose and Function.** The purpose of this Agreement is to establish guidelines and to identify expected behavior and guidelines for vehicular pursuits by law enforcement agencies in Clark County, Washington.

#### **Goals.**

- 1) To develop procedures and identify role expectations for pursuits within Clark County, and which may enter other jurisdictions, both within and outside of the jurisdictional boundaries of Clark County and its municipalities.
- 2) To provide a framework for better management of interagency pursuits.
- 3) To reduce the risk of injury to officer(s) and/or deputies, citizens, and damage to property.
- 4) To reduce confusion between jurisdictions.

- 5) To provide law enforcement officers and/or deputies in Clark County and its municipalities guidelines for initiating, participating in and terminating vehicular pursuits.

**Definitions:**

Vehicular Pursuit: An active attempt by an officer and/or deputy in an emergency vehicle to apprehend a fleeing suspect in a motor vehicle who is actively attempting to elude apprehension. The officer and/or deputy must have a reasonable suspicion that the subject is aware of the officer and/or deputy's attempt to stop the vehicle.

Emergency Vehicle: A vehicle of this department equipped with at least one lamp capable of displaying a red, blue, or red/blue combination light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

Attempt to elude: Any driver of a motor vehicle who willfully fails or refuses to immediately bring their vehicle to a stop and who drives their vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

Primary pursuit unit: The police unit which initiates a pursuit, or any unit which assumes control of the pursuit, and has the responsibility of attempting to stop a fleeing vehicle.

Support pursuit unit(s): Any police vehicle that becomes involved as a backup to the primary pursuit unit.

Pursuit Supervisor: Any officer or deputy with supervisory rank actively engaged in the pursuit; the highest ranking officer will assume the pursuit supervisor position.

Originating Agency: The representative agency of the officer and/or deputy that originates the pursuit.

Receiving Agency: The agency having primary law enforcement responsibility within the jurisdiction the pursuit travels to.

Barricade: The intentional blocking of a roadway, by any means, to stop a vehicle being pursued.

Boxing in: The placement of a police vehicle into the path or potential path of a vehicle with the intent of slowing and stopping the vehicle or keeping the vehicle stopped.

Ramming (deliberate): Using a police vehicle to purposely cause forceful contact with another vehicle in order to bring that vehicle to a stop.

Spike Strips: A strip of belting containing specially designed hollow spikes which penetrates tires, thereby slowly deflating a tire(s).

Pursuit Immobilization Technique: A forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flight.

### **Policy.**

It is the policy of this interagency agreement to be subservient to individual department pursuit policies.

- 1) The primary considerations when determining whether to initiate, continue or terminate a vehicular pursuit are public safety and the safety of officer and/or deputies. All personnel shall balance the necessity for immediate apprehension against the danger to life and property inherent in pursuit situations.
- 2) Officers and/or deputies are authorized to engage in vehicular pursuits in the following circumstances:
  - a) The suspect(s) poses an immediate or future threat of death or serious bodily injury to officers or to the public.
  - b) When the officer and/or deputy has a reasonable suspicion that the driving conduct is so outrageous that failure to apprehend the driver will endanger the driver of the suspect vehicle, the officer and/or deputy or members of the public, including occupants of the suspect vehicle. The officer and/or deputy must have this suspicion **prior to** the initiation of the stop.
  - c) When the officer and/or deputy has a reasonable suspicion that the offense of driving while intoxicated where the driving of the subject **prior** to the attempted stop already presents an intolerable risk of injury or death to person(s) other than the subject.
  - d) When the officer and/or deputy has a reasonable suspicion that a domestic violence assault is occurring within the suspect vehicle.
  - e) Where a violent felony has been committed, or the officer and/or deputy has a reasonable suspicion that a violent felony will be committed if the subject is allowed to escape, even if the subject is known and could be apprehended by a warrant at a later date.

- f) Pursuits other than those authorized by this policy and procedure are specifically prohibited.*
- 3) Officers and/or deputies will take specific actions when initiating a pursuit.
- a) Officers and/or deputies are able to articulate that the necessity to immediately apprehend the fleeing suspect(s) outweighs the risk to life and property inherent in pursuit situations.
  - b) When deciding whether to initiate a pursuit, officer and/or deputies scrutinize property crimes more closely than violent crimes. Property crimes alone do not constitute justification for a pursuit barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to, the display of a weapon, or any situation where the suspect's actions constitute a threat to citizen or public safety. The extraordinary circumstance must be present prior to the time that a pursuit is initiated. In the event that a stolen vehicle flees, a pursuit is ***not authorized*** if the only factor involved is the crime of vehicle theft, or possession of a stolen vehicle. Officers and/or deputies engaged in pursuing a stolen vehicle must be able to articulate other permissible factors justifying the pursuit of the stolen vehicle.
  - c) Officers and/or deputies shall consider a number of factors when deciding whether to initiate a pursuit including, among others, the safety of the public in the area, the safety of the pursuing officers and/or deputies and the conditions of the pursuit.
- 4) Officers and/or deputies will follow specific guidelines during vehicular pursuits
- a) The primary pursuit unit initiates a pursuit and has responsibility for attempting to stop the fleeing vehicle and/or terminate the pursuit within guidelines.
  - b) The support pursuit unit(s) provide backup to the primary pursuit unit
  - c) Officers and/or deputies who are on duty but are not actively involved in the pursuit do not engage in the pursuit unless specifically assigned to do so by a supervisor. Officers may take action to increase the safety of the community by stopping cross traffic ahead of the pursuit.
  - d) On duty supervisory personnel have the primary responsibility to be aware of pursuits and to assume command responsibility for the monitoring and control of the pursuit as it progresses.
- 5) Officers and/or deputies engaged in a vehicular pursuit will drive with due regard for the safety of themselves and all other persons within the pursuit area.

- a) Officers and/or deputies are not to engage in pursuits with a non-commissioned passenger in the vehicle such as a prisoner, suspect, complainant, witness or citizen rider.
  - b) Officers and/or deputies are not to engage in pursuit techniques that require the officer and/or deputy to drive in the opposing or wrong direction on a freeway or divided highway.
  - c) Officers and/or deputies are not to attempt to pull alongside a fleeing vehicle and intentionally attempt to force it into any obstacle.
  - d) Officers and/or deputies are not to direct the spotlight at the direct vision of the suspect or at the windshield or side windows of a suspect vehicle while in motion. Directing the spotlight from behind into the back of the suspect vehicle to aid in identifying occupants may be utilized.
- 6) Personnel operating unmarked or special purpose vehicles are authorized to engage in vehicular pursuits when:
- a) The vehicle is equipped with at least one lamp capable of displaying a red, blue, or a red/blue combination light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.
  - b) The officer and/or deputy operating the pursuit vehicle is in uniform, or if not in uniform, they may pursue until a marked unit becomes available.
  - c) The vehicle being pursued is being operated by a fleeing suspect who represents an immediate and direct threat to life.
  - d) All other requirements of this policy can be met.
  - e) When a marked vehicle becomes available to take over the pursuit, the unmarked vehicle assumes the position of a support pursuit unit until a second marked unit arrives. At that time, the unmarked vehicle may assume the position of the third support pursuit unit for purposes of tactical vehicle intervention or for officer and/or deputy safety purposes should the pursuit be terminated and the suspect vehicle stopped.
- 7) Personnel operating motorcycles are authorized to engage in pursuits when:
- a) The motorcycle is equipped with at least one lamp capable of displaying a red, blue, or red/blue combination light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.
  - b) The vehicle being pursued is being operated by a fleeing suspect who represents an immediate and direct threat to life.

- c) Weather, road and related conditions allow.
  - d) All other requirements of this policy can be met.
  - e) The motorcycle terminates involvement in the pursuit when at least two four-wheeled vehicles become primary and support units in the pursuit.
- 8) Personnel are authorized to use pursuit intervention techniques to control a pursuit, to reduce risks associated with the pursuit and/or to bring a pursuit to a conclusion.
- a) Pursuit intervention techniques are considered a use of force and may be deadly force. ***Officers and/or deputies will use pursuit intervention techniques in accordance with their department's policy.***
  - b) Officers and/or deputies are authorized to use pursuit intervention techniques only after receiving training and are certified in the specific technique used.
  - c) Prior to the deployment of any pursuit intervention technique, all officers and/or deputies actively engaged in the pursuit shall be communicating on the same radio frequency and shall communicate their actions on air prior to deployment.
  - d) The following are authorized techniques:
    - i) Pursuit Immobilization Technique (PIT) to stop and apprehend a fleeing suspect whose actions indicate a disregard for the safety of the public and police officer and/or deputies.
    - ii) Tire Deflation Devices (Spike Strips) alone or in conjunction with other pursuit intervention techniques only after the supervisor in command of the pursuit is notified of the intended use of spike strips.
    - iii) Intentional Intervention (Ramming) is authorized only when there is a necessity to stop the suspect by using deadly force in order to protect officers and/or deputies and the public.
- 9) Officers and/or deputies and/or supervisors may terminate pursuits under any one of the following circumstances:
- a) Any officer, deputy or supervisor involved in the pursuit reasonably believes that the risks associated with continued pursuit are greater than the risks to the public associated with the suspect remaining at large.
  - b) The suspect's identity has been established and immediate apprehension is not necessary to protect the public or officer and/or deputies.

- c) The pursuit vehicle's location is no longer known.
- d) Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect.
- e) The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile.
- f) If a pursuit travels outside of the boundaries of the initiating agency, another agency accepts responsibility for the pursuit or communicates refusal to accept responsibility.
- g) If an accident occurs in the pursuit with an uninvolved citizen and there are no other police or medical personnel readily available.

10) Vehicular pursuits traveling into other Washington jurisdictions.

- a) Officers and/or deputies involved in a pursuit traveling outside of their jurisdictional limits will contact CRESA to request assistance from the appropriate jurisdiction.
- b) The originating agency will provide CRESA with the reason for the pursuit, and provide location, direction of travel, and vehicle/suspect description as soon as possible.
- c) The receiving agency will advise as soon as possible what role they will assume (engagement, supervisory control, or perimeter support).
- d) The primary and two additional support pursuit units continue in direct pursuit until the receiving agency is capable of accepting responsibility.
- e) Once the receiving agency assumes the primary and support pursuit units, all involved original units will terminate the pursuit. One original unit may continue, obeying all traffic regulations, to the ultimate stop to assist in the establishment of probable cause for enforcement action against the offending driver.
- f) If the receiving agency does not have a support unit, the original primary unit will remain in the pursuit as a support unit.
- g) Involved units will monitor the pursuit on their vehicle radio until their part in the pursuit is terminated.
- h) If the receiving agency refuses to accept responsibility for the pursuit, the originating agency may choose to continue to assume responsibility for the pursuit and continue the pursuit. If the receiving agency chooses to terminate the

pursuit due to a known public safety concern (i.e. community event, road closure, construction) then all involved units will terminate the pursuit.

- i) Following conclusion of the pursuit, the primary/originating agency supervisor will communicate with the receiving agency.
- 11) Vehicular pursuits into the State of Oregon are authorized only if the subject being pursued has committed a felony or is reasonably suspected of having committed a felony or a violation of another state law relating to driving while intoxicated, or driving under the influence of drugs or alcohol.
- a) The primary or support pursuit unit, whichever unit is transmitting locations and directions to dispatch, will notify CRESA when the pursuit appears that it is going into Oregon.
  - b) Dispatch will notify the appropriate Oregon agency of the pursuit and the talk group being used.
  - c) Once the Oregon agency assumes primary and support pursuit units, all involved Washington units will terminate the pursuit. One original unit may continue, obeying all traffic regulations, to the conclusion point of the pursuit to assist in the establishment of probable cause for enforcement action against the offending driver.
  - d) If the receiving agency does not have a support unit, the primary unit will remain in the pursuit as the support unit.
  - e) If the Oregon agency refuses to accept responsibility for the pursuit *or terminates the pursuit*, all involved units will terminate the pursuit.
  - f) Following conclusion of the pursuit, the primary/originating agency supervisor will communicate with the receiving agency.
- 12) Caravanning: A maximum of three (3) units, regardless of combination of departments, shall be engaged in a pursuit. (Exceptional circumstances authorized by a supervisor may warrant an exception to this restriction, ie., multiple dangerous suspects, shots fired, armed robbery)
- 13) All vehicular pursuits will be documented and reviewed consistent with the guidelines and policies of all involved agencies.
- a) The primary pursuit unit and support unit(s) officer and/or deputies will complete written reports detailing the pursuit.
  - b) The supervisor in command of the pursuit will complete a supervisor's pursuit report.



- c) All pursuit reports will be reviewed in accordance with the review policies of the involved agencies.

**Choice of Law.**

The parties agree that, in connection with their activities under the Interlocal Agreement, they shall comply with all applicable federal, state, and local laws or regulations and, further, that this Mutual Law Enforcement Assistance Agreement shall be construed according to the laws of the State of Washington.

EXECUTED on the day and year first written below.

**CITY OF CAMAS, WASHINGTON**

\_\_\_\_\_  
Mitch Lackey, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Scott Higgins, Mayor

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City Attorney

Address for Notice:

MITCH LACKEY, Police Chief  
Camas Police Department  
City of Camas  
2100 N.E. 3<sup>rd</sup> Avenue  
Camas, WA 98607

EXECUTED on the day and year first written below.

CLARK COUNTY SHERIFF

BOARD OF COUNTY  
COUNCILORS, Clark Co., WA

\_\_\_\_\_  
Chuck E. Atkins, Sheriff

\_\_\_\_\_  
Marc Boldt, Chair

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeanne Stewart, Councilor

\_\_\_\_\_  
Julie Olson, Councilor

\_\_\_\_\_  
John Blom, Councilor

\_\_\_\_\_  
Eileen Quiring, Councilor

Approved as to form:  
TONY GOLIK  
Prosecuting Attorney

ATTEST:

\_\_\_\_\_  
Senior Deputy

\_\_\_\_\_  
Clerk to the Board

Address for Notice:  
CHUCK E. ATKINS, Sheriff  
Clark County Sheriff's Office  
Post Office Box 410  
Vancouver, WA 98666

EXECUTED on the day and year first written below.

**CITY OF VANCOUVER, WASHINGTON**

\_\_\_\_\_  
James McElvain, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Eric Holmes, City Manager

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City Attorney

Address for Notice:

JAMES MCELVAIN, Police Chief  
Vancouver Police Department  
City of Vancouver  
P.O. Box 1995  
Vancouver, WA 98668

EXECUTED on the day and year first written below.

**CITY OF WASHOUGAL, WASHINGTON**

\_\_\_\_\_  
Ron Mitchell, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Sean Guard, Mayor

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City Attorney

Address for Notice:

RON MITCHELL, Police Chief  
Washougal Police Department  
City of Washougal  
1320 A Street  
Washougal, WA 98671

EXECUTED on the day and year first written below.

**CITY OF BATTLE GROUND, WASHINGTON**

\_\_\_\_\_  
Bob Richardson, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeff Swanson, City Manager

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City Attorney

Address for Notice:

BOB RICHARDSON, Police Chief  
Battle Ground Police Department  
City of Battle Ground  
507 SW 1<sup>st</sup> Street  
Battle Ground, WA 98604

EXECUTED on the day and year first written below.

**CITY OF RIDGEFIELD, WASHINGTON**

\_\_\_\_\_  
John Brooks, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Steve Stuart, City Manager

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City Attorney

Address for Notice:

JOHN BROOKS, Police Chief  
Ridgefield Police Department  
City of Ridgefield  
116 North Main Avenue  
Ridgefield, WA 98642

EXECUTED on the day and year first written below.

**CITY OF LA CENTER, WASHINGTON**

\_\_\_\_\_  
Marc Denney, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Greg Thornton, Mayor

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City Attorney

Address for Notice:

MARC DENNEY, Police Chief  
La Center Police Department  
City of La Center  
105 W 5<sup>th</sup> Street  
La Center, WA 98629



EXECUTED on the day and year first written below.

**WASHINGTON STATE UNIVERSITY**

\_\_\_\_\_  
Dave Stephenson, Lieutenant  
Department of Public Safety  
Date: \_\_\_\_\_

\_\_\_\_\_  
Dean  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Attorney

Address for Notice:  
DAVE STEPHENSON, Lieutenant  
Department of Public Safety  
Washington State University  
14204 N.E. Salmon Creek Avenue  
Vancouver, WA 98686