

MEMORANDUM OF UNDERSTANDING

INTER JURISDICTIONAL PURSUIT'S BENTON AND FRANKLIN COUNTIES

The parties of this Memorandum of Understanding (MOU) are the Chiefs and Sheriffs of Benton and Franklin Counties and Cities of Connell, Kennewick, Pasco, Prosser, Richland and West Richland.

Purpose: This Inter-jurisdictional Memorandum of Understanding (MOU) is intended to establish operational guidelines for pursuits which cross jurisdictional boundaries within Benton and Franklin Counties. These guidelines are fundamental in a coordinated multi-jurisdictional effort required during the pursuit of a dangerous offender. This MOU is not intended to detract or intrude upon an agency's right to establish policy within their own organization. This MOU is intended to enhance and apply consistency when pursuits occur involving two or more jurisdictions and to provide a standard response by participating agency personnel.

Definitions:

Vehicle Pursuit – is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or other evasion tactics such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Attempting to Elude – refers to the actions of any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her 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 (RCW 46.61.024).

Emergency Vehicle - addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal (RCW 46.27.190).

Inter-Jurisdictional Guidelines: The decision to pursue into another jurisdiction by the originating agency shall not obligate the jurisdiction to participate or endorse the participating agency's actions, methods or outcome. No agency will be criticized for non-participation in a pursuit which enters its jurisdiction.

Communications – the ability of an officer engaged in an offender / violator contact to communicate quickly, clearly and concisely report detailed information to the dispatcher is important for officer safety and efficient deployment of resources to assist. This communication becomes critical when the purpose is to report a suspect who is fleeing apprehension. The primary means for communicating pertinent information to an ongoing pursuit is the radio. Use of cell phone, MDT and TAC channel for exchange of pursuit involved officers should be avoided to ensure concentration and focus on the priority issues related to pursuit driving.

Pursuing Unit Responsibilities - During the course of any pursuit the number of units to be involved and the individual officers role must be defined. No more than two units shall be actively engaged in a pursuit. One supervisor may be either engaged or trailing for the purpose of maintaining oversight and supervision for the overall situation. The Primary and Secondary units have distinct roles in incidents of this type.

Primary Unit – has the primary responsibility to Notify Dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if know.
- (e) Number of know occupants
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injury, hostages or other unusual hazards.

The primary unit is responsible to broadcast this information, providing frequent pertinent updates. The primary officer will relinquish the broadcasting responsibility when relieved by a Secondary unit or supervisor.

Secondary Unit – is responsible for;

- (a) The officer in secondary position should immediately notify the dispatcher of entry into the pursuit.
- (b) Maintain a safe distance behind the primary unit unless directed to assume the role as primary.
- (c) Be responsible for broadcasting the pursuit.

Supervisor - An originating agency supervisor should monitor any pursuit entering another jurisdiction. The supervisor should insure compliance with provisions of this agreement and the parent agency policy.

Risk Assessment – Inherent in any pursuit is increased risk of vehicle collision for suspect, officer and the public. RCW 46.61.035 – Authorized emergency vehicles states;

(2) The driver of an authorized emergency vehicle may:

- (a) Park or stand, irrespective of the provisions of this chapter;
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operations;
- (c) Exceed the maximum speed limits so long as he or she does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions.

It is the duty of the primary officer and the supervisor to conduct an ongoing assessment of the risks, potential risks in the conduct of a pursuit and make an appropriate determination if a pursuit should be terminated. Certain key points of risk should be considered by the officer and supervisor;

1. Does the seriousness of the crime justify a pursuit?
2. What is the possibility / likelihood of apprehension?
3. The pursuit take place on residential streets, business districts or freeway?
4. The speeds of the suspect and pursuing vehicles?
5. The weather and road conditions (e.g. snow, ice, wet, visibility, construction)?
6. Is this daytime, nighttime lighted roadway or country road?
7. What are the skills of the officers engaged in the pursuit?

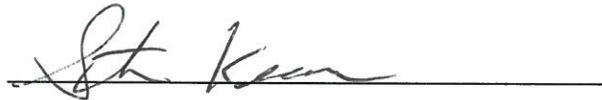
Should the supervisor or primary officer consider the hazards to outweigh the potential benefits of continuing a pursuit then the pursuit should be terminated.

Custody and Care of Prisoners – the originating pursuit agency will assume custody and care of suspect(s) based on the agencies original probable cause for the offense or crime which initiated the pursuit. Additional criminal offenses committed in assisting jurisdictions will be investigated by the agency, where the offenses occurred and referred to the appropriate jurisdictional prosecutor for review.

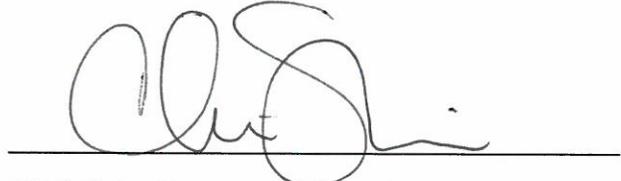
Nothing in this MOU prevents individual agencies from adopting a more restrictive policy.

The undersigned parties agree to adopt the above guidelines for vehicle pursuits across jurisdictional line of Benton and Franklin Counties and the cities therein.

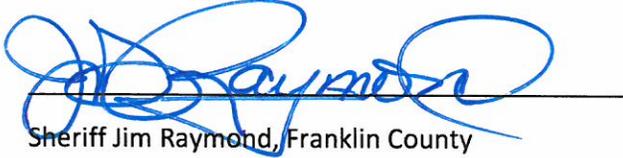
Approved this 4th day of February, 2015.



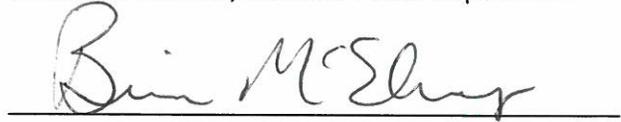
Sheriff Steve Keane, Benton County



Chief Chris Skinner, Richland Police Department



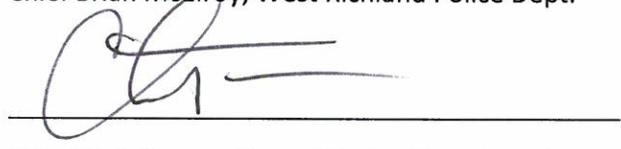
Sheriff Jim Raymond, Franklin County



Chief Brian McElroy, West Richland Police Dept.



Chief Ken Hohenberg, Kennewick Police Dept.



Chief Chris Turner, Connell Police Department



Chief Dave Giles, Prosser Police Department



Chief Bob Metzger, Pasco Police Department