

Initiative 2113, to authorize reasonable police pursuit to prevent violent crime

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Key Findings

1. Initiative 2113 is a citizens' initiative to the legislature that would allow the police to pursue criminals when they have a reasonable suspicion that a violent crime has taken place.
2. The initiative received 434,000 voter signatures, about 100,000 more than it needed to qualify. Lawmakers can pass it, propose an alternative or take no action.
3. If they do not pass the initiative it will appear on the November 2024 ballot, possibly alongside an alternative proposed by the legislature.
4. In 2021 the legislature passed a bill, HB 1054, that greatly restricts the ability of police to chase DUI drivers or those who may have broken the law.
5. Since its passage, law enforcement data and media reports indicate a widespread rise in crime and more cases of people refusing to stop for the police.
6. Initiative 2113 would allow police to pursue a vehicle if the officer has a reasonable suspicion the driver has violated the law, reasonably believes the driver poses a threat to public safety, and the pursuit has been authorized by a supervisor.
7. Initiative 2113 would largely repeal the restrictions on police pursuit that were imposed under HB 1054.

Introduction

A group of concerned citizens called Let's Go Washington has gathered enough valid signatures for a proposed people's initiative to the legislature, Initiative 2113, to allow the police to pursue someone when there is a reasonable suspicion the person has committed a crime. The

measure is designed to enhance public safety and improve the quality of professional policing in communities across the state.¹

Initiative sponsors needed to collect 324,516 valid signatures (8% of the votes cast in the last election for governor) to submit Initiative 2113 for consideration in the 2024 legislative session. Sponsors exceeded the requirement by about 100,000, collecting more than 434,000 signatures and turned them in to the Secretary of State's office by the December 31, 2023 deadline.

The Secretary of State certified the initiative and sent it to the legislature on January 11, 2024.²

Under state law legislators can choose among three courses of action:³

- They can enact the initiative into law as is (the governor's signature is not required);
- They can take no action, in which case the initiative is forwarded to voters on the November 2024 general election ballot. If voters approve the initiative it becomes law;
- They can pass their own alternative version, in which case both versions, the original and the legislature's, will appear on the November 2024 ballot. Voters will first decide whether either version should become law and, if so, indicate on the same ballot which one should pass.

1 See "Initiative 2113, Reasonable Police Pursuit," Let's Go Washington, accessed February 21, 2024, at <https://letsgowashington.com/i-2113/>.

2 "Secretary Hobbs notifies legislature of initiative no. 2113 certification," Office of the Secretary of State, Washington, January 11, 2024, at <https://www.sos.wa.gov/about-office/news/2024/secretary-hobbs-notifies-legislature-initiative-no-2113-certification>.

3 "Initiative Measure 2113," Office of the Secretary of State, Washington, filed May 25, 2023, at https://www2.sos.wa.gov/assets/elections/initiatives/finaltext_3034.pdf.

Ballot title

The official title of Initiative 2113 describes it as:

“Initiative Measure No. 2113 concerns vehicular pursuits by peace officers. This measure would remove certain restrictions on vehicular pursuits, allowing them upon conditions including an officer’s reasonable suspicion a person has violated the law and poses a threat to the safety of others.

“Should this measure be enacted into law?”⁴

Ballot summary

“This measure would remove certain restrictions on when peace officers may engage in vehicular pursuits. Such pursuits would be allowed when the officer has a reasonable suspicion a person has violated the law, pursuit is necessary to identify or apprehend the person, the person poses a threat to the safety of others, those safety risks are greater than those of the pursuit, and a supervisor authorizes the pursuit.”⁵

In addition, pursuit could only occur if there is constant oversight by a supervisory officer, the officers have considered alternatives to vehicular pursuit and the officers have weighed safety factors such as speed, weather, traffic, road conditions. Officers would be required to consider the known presence of minors in the vehicle, and they would have to develop a plan for ending the pursuit through intervention options.

Under Initiative 2113 pursuit authority would only apply to uniformed officers who have received emergency vehicle operator training and who are driving a vehicle equipped with emergency lights and a siren.

Any vehicle pursuit that did not meet these conditions would have to be terminated.

⁴ “Washington Initiative 2113, to remove certain restrictions on police vehicular pursuits,” Text of Measure, Ballot Title, Ballotpedia, accessed February 21, 2024, at [https://ballotpedia.org/Washington_Initiative_2113_Remove_Certain_Restrictions_on_Police_Vehicular_Pursuits_Initiative_\(2024\)](https://ballotpedia.org/Washington_Initiative_2113_Remove_Certain_Restrictions_on_Police_Vehicular_Pursuits_Initiative_(2024)).

⁵ Ibid, “Ballot Summary.”

Policy analysis

In April 2021 the state legislature passed, on party-line votes, a series of bills to restrict the ability of police while protecting the community. One of those bills, HB 1054, prevents the police from pursuing a suspect when there is reasonable suspicion the person committed a crime or has information about a crime.⁶ Instead the bill requires police officers to establish “probable cause,” a much more difficult standard, before pursuing a suspect. Rep. Jesse Johnson (D-Federal Way) was the prime sponsor of the bill.

HB 1054 passed in the Senate on April 23, by a vote of 28 to 20, with most Democrats voting “yes” and most Republicans voting “no”. It passed the House on the same day by a vote of 55 to 42, with most Democrats voting “yes” and most Republicans voting “no”.⁷ Governor Inslee signed the bill on May 18, 2021.

The failure of HB 1054 police pursuit restrictions

Since then, suspected criminals have learned they can simply run away from the police. The state patrol reports 934 incidents of drivers who simply ignored lights and sirens when police tried to make a traffic stop.⁸

One law-breaking driver called 911 and complained that the police were still following

⁶ “A peace officer may not engage in a vehicular pursuit, unless there is probable cause...” Final Bill Report, ESHB 1054,” Vehicular Pursuits, Washington State Legislature, April 2021, at <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/1054-S.E%20HBR%20FBR%2021.pdf?q=20240221121415>.

⁷ HB 1054, “Establishing requirements for tactics and equipment used by peace officers,” Washington state legislature, Bill Information, House and Senate votes on committee conference report, April 23, 2021, at <https://app.leg.wa.gov/bills/bills/BillNumber=1054&Year=2021&Initiative=false>.

⁸ “Fewer drivers stopping for police, Washington State Patrol says,” King 5 News, May 31, 2022, at <https://www.youtube.com/watch?v=wu6yeGovDjI>; and “WSP: Drivers refusing to stop for troopers,” KPTV Fox News 12, May 31, 2022, at <https://www.youtube.com/watch?v=YFtI05qnBkA>.

him. He said, “It’s a violation of 1054 – he’s not allowed to chase me.”⁹

Law enforcement officials also report that since HB 1054 passed, violent crime rates have increased and vehicle thefts are up by 93%.¹⁰ News coverage reports that under the law “... police have approached suspected criminals who then speed away knowing there’s nothing police can do.”¹¹ In Chelan County the no-pursuit policy prevented police from chasing a criminal who stole a school bus.¹²

The restrictions lawmakers placed on police have become part of criminal culture in Washington state. In February a single group of five criminals committed 69 vehicle break-ins in one night. Local police reported that the rising intensity of violations is a direct result of the state’s no-pursuit law.

“Stealing a vehicle is a precursor to other crimes now,” Federal Way Police Chief Andy Hwang told KIRO Newsradio. ‘Organized retail theft, smash and grab burglaries, robberies, purse snatching, carjackings, homicides, and a spike in freeway shootings. These are all occurring because of the anti-police, anti-pursuit policy.’”¹³

Initiative 2113 would restore the ability of police to gather information and conduct normal criminal investigations. It would also prevent crime by allowing police to pursue and arrest suspects based on reasonable conclusions about the available evidence. Effective pursuit and detention would prevent suspects from committing new crimes after they have escaped from the police.

Conclusion

Initiative 2113 would help repair the damage done by the legislature when it passed Rep. Johnson’s bill in 2021. That law weakened the ability of police to protect law-abiding citizens from being harmed by violent criminals. The initiative would allow police to make stops when they have a reasonable suspicion that a crime has taken place and to pursue criminals when police determine that letting them go would endanger the public.

This would re-authorize the former standard for police work, allowing investigators to gather facts and hold criminals accountable. This policy change would promote the public interest and provide safer communities for everyone living in Washington state, especially in areas where repeated patterns of crime pose the greatest threat to human life, health and property.

9 “Washington state drivers aren’t stopping for police anymore because cops can’t chase them,” by Sandy Malone, The Police Tribune, May 31, 2022, at <https://policetribune.com/washington-state-drivers-arent-stopping-for-police-anymore-because-cops-cant-chase-them/>.

10 “Police try to combat surging car thefts across Washington state,” King 5 News, March 21, 2022, at <https://www.youtube.com/watch?v=nJMIQK6GzIQ>.

11 “Washington law enforcement push back on recent pursuit law,” by Eric Wilkinson, King 5 News, September 23, 2022, at <https://www.king5.com/article/news/crime/washington-law-enforcement-pursuit-law/281-b686c8f9-bbf2-444f-8ce0-5a63881688aa>.

12 Ibid.

13 “Federal Way police chief: ‘No-pursuit law makes communities less safe,’” by James Lynch, KIRO News, February 16, 2024, reported on MyNorthwest.com, at <https://mynorthwest.com/3951050/federal-way-police-chief-no-pursuit-law-makes-communities-less-safe/>.

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