



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0097

Issued Date: 08/10/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 13.031 (3) Vehicle Eluding/Pursuits: Officers Will Not Pursue Without Justification (Policy that was issued 01/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee engaged in a vehicle pursuit.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee initiated a pursuit that was outside of policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Video (ICV)
3. Review of 911 call
4. Search for and review of all relevant records and other evidence
5. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee initiated and continued a pursuit for a misdemeanor property crime (car prowl). SPD Policy §13.031(3) clearly prohibits vehicle pursuits for misdemeanors, gross misdemeanors and property crimes. The Named Employee reported he was concerned that the female driver was being held against her will and/or threatened so as to force her to drive away from the pursuing police officer (the Named Employee). As evidence of this possible felony crime against the female driver of the eluding vehicle, the Named Employee cited the unusual driving pattern of beginning to pull over and then speeding back up and driving away. The Named Employee's chain of command considered this justification of the pursuit and rejected it as too speculative to be considered more than a theory. The Named Employee's chain of command also noted this was the second time within five months that the Named Employee had initiated and continued a pursuit of a car prowl suspect. The OPA Director agreed with the chain of command that the Named Employee's concern regarding the potential kidnapping or other violent felony crime against the female driver was too speculative to justify the pursuit. At the same time, it is odd enough behavior to raise some concerns in the mind of a reasonable officer such that the OPA Director found it difficult to conclude that the Named Employee willfully engaged in a pursuit he knew was out of policy. In reviewing the Named Employee's previous pursuit from June of 2015, it appears the Named Employee may be employing tactics that increase the likelihood the suspect vehicle driver might elude him. For example, it is possible to delay activation of emergency equipment and follow a suspect vehicle until other units are in place and/or conditions as such that it is less likely a driver might try and elude. It may be helpful for the Named Employee to be evaluated by an instructor in Emergency Vehicle Operation to determine if his tactics can be improved, along with a clear reminder regarding the clear limits on pursuits found in SPD policy.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *initiated a pursuit that was outside of policy*.

Required Training: The Named Employee should be clearly reminded of the restrictions placed by SPD policy on pursuits and cautioned that future failures to adhere to these restrictions will likely be treated as a serious matter. In addition, it is suggested that the Named Employee's chain of command consider evaluating the tactics used by the Named Employee in the first few moments after he identifies a vehicle that may have been linked to a misdemeanor and/or property crime to see if there are any adjustments he can make to reduce the likelihood a driver may try and elude him.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.