



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0090

Issued Date: 10/04/2016

| 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 |

| Named Employee #2 | |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 Employees were in a two-man car and located a stolen vehicle and initiated a short pursuit.

COMPLAINT

The complainant, a supervisor within the Department, alleged the named employees initiated and maintained a pursuit that was not within policy.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

At the time of this incident, Named Employee #1 was a Field Training Officer (FTO) who was filling in for another FTO by supervising (then) Student Officer, Named Employee #2. Named Employee #2 was in her third rotation of the FTO program. Named Employee #1 was in the passenger seat of the police car with Named Employee #2 driving. The two officers located a reported stolen vehicle. After an assist unit arrived, Named Employee #2 attempted a traffic stop on the stolen car by activating the emergency lights and siren. The stolen vehicle did not pull over, but sped up and attempted to elude the police. At the time, the only reason Named Employee #1 and Named Employee #2 had for stopping the vehicle was that it was reported as stolen. The pursuit lasted 58 seconds and covered about three quarters of a mile. The on-duty supervisor terminated the pursuit at that point and Named Employee #2 shut off the emergency lights and siren and pulled off the path of the pursuit onto a side street.

SPD Policy §13.031 states, in relevant part:

Officers will not pursue solely for any one of the following:

- *Traffic violations / Civil Infractions*
- *Misdemeanors*
- *Gross misdemeanors*
- *Property crimes*
- *The act of eluding alone*

Since the sole reason for the pursuit was a felony property crime (stolen vehicle), this pursuit was not permitted by policy. Named Employee #1 did not order or suggest to Named Employee #2 that she pursue the stolen vehicle and he was not the driver of the police car at the time of the pursuit. For these reasons, Named Employee #1 cannot be held responsible for violating the pursuit policy. At the same time, he may not have fully met his obligations as a FTO by allowing Named Employee #2 to continue the pursuit once it was clear the stolen vehicle was not going to yield and stop. OPA understands that it is important for student officers to be given enough freedom in their actions so they can make mistakes and learn from them. At the same

time, an FTO has an obligation to protect the safety of the student officer and the public and step in when necessary to give directions. In this particular incident, the out of policy pursuit by Named Employee #2 placed both officers, the fleeing driver and the general public at risk. Had there been a serious collision in connection with this pursuit, people could have been injured, property damaged and liability shouldered.

The purpose of the FTO Program is to provide Student Officers the opportunity to put into practice all they have learned from the State Academy and SPD's Post-Basic Law Enforcement Academy program. What has been learned in the classroom is applied during field training with guidance and feedback for improvement from the FTO. It is expected that Student Officers will make mistakes; in fact it is an essential part of the adult learning model. In making mistakes and receiving corrective feedback, classroom and video lessons become real and acquire greater meaning for the learner. In this particular incident, Named Employee #2 now has first-hand knowledge about the policy restrictions on pursuits based in the painful experience of being subject to an OPA investigation. Her answers during her OPA interview demonstrate this knowledge. A sustained finding and discipline will not necessarily add anything positive to the lessons learned.

FINDINGS

Named Employee #1

Allegation #1

The evidence shows that Named Employee #1 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Vehicle Eluding/Pursuits: Officers Will Not Pursue Without Justification*.

Required Training: Named Employee #1 should receive training and counseling from his chain of command in collaboration with the FTO Coordinator on the topic of how far to allow a Student Officer step outside of training, tactics and policy before intervening to give direction.

Named Employee #2

Allegation #1

The evidence shows that Named Employee #2 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Vehicle Eluding/Pursuits: Officers Will Not Pursue Without Justification*.

Required Training: Named Employee #2 should be counseled by her chain of command regarding SPD Policy 13.031 (3).

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.