



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0371

Issued Date: 10/17/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 13.031 (10) Vehicle Eluding / Pursuits: Units with Civilian Riders or Passengers Shall Not Participate in a Pursuit, in Any Capacity (Policy that was issued November 21, 2012)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 13.031 (3) Vehicle Eluding / Pursuits: Officer Will Not Pursue Without Justification (Policy that was issued November 21, 2012)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (5) Standards & Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 13.031 (3) Vehicle Eluding / Pursuits: Officer Will Not Pursue Without Justification (Policy that was issued November 21, 2012)

OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (5) Standards & Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees became engaged in a vehicle pursuit.

COMPLAINT

The complainant, a supervisor within the Department, alleged that Named Employee #1 violated policy when he engaged in a vehicle pursuit when accompanied by a citizen rider. OPA also added an allegation of an out of policy pursuit.

OPA in its intake discovered a second Named Employee is alleged to have violated policy when he engaged in a vehicle pursuit without justification.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The preponderance of the evidence shows that Named Employee #1 engaged in a pursuit of an eluding vehicle with a civilian rider in his police vehicle. SPD Policy forbids this. There is no evidence to suggest Named Employee #1 violated policy intentionally, rather it seemed his focus on capturing a fleeing driver he (Named Employee #1) believed had just assaulted another officer distracted him from realizing he should not engage in the pursuit with a civilian passenger in his car.

The complainant alleged that Named Employees #1 and #2 engaged in a vehicle pursuit for a non-violent, non-felony crime. The preponderance of the evidence shows that Named Employees #1 and #2 mistakenly believed the driver of the eluding vehicle had attempted to run

over one or more officers. This belief was based on radio transmissions by other officers that, while somewhat ambiguous, could lead a reasonable officer to believe the driver had just committed a violent felony assault.

The complainant alleged that Named Employees #1 and #2 displayed poor judgment in pursuing the eluding vehicle. While Named Employee #1 and #2's assumptions regarding the reasons for the pursuit were inaccurate, they were reasonable based on radio transmission they heard.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Vehicle Eluding / Pursuits: Units with Civilian Riders or Passengers Shall Not Participate in a Pursuit, in Any Capacity*.

Required Training: Named Employee #1's supervisor has already counseled Named Employee #1 regarding this violation. This is considered adequate training by OPA and no further training is required.

Allegation #2

The preponderance of the evidence shows that Named Employee #1 mistakenly believed the driver of the eluding vehicle had attempted to run over one or more officers. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Vehicle Eluding / Pursuits: Officer Will Not Pursue Without Justification*.

Allegation #3

While Named Employee #1's assumptions regarding the reasons for the pursuit were inaccurate, they were reasonable based on radio transmission he heard. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards & Duties: Employees May Use Discretion*.

Named Employee #2

Allegation #1

The preponderance of the evidence shows that Named Employee #2 mistakenly believed the driver of the eluding vehicle had attempted to run over one or more officers. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Vehicle Eluding / Pursuits: Officer Will Not Pursue Without Justification*.

Allegation #2

While Named Employee #2's assumptions regarding the reasons for the pursuit were inaccurate, they were reasonable based on radio transmission he heard. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards & Duties: Employees May Use Discretion*.

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.