



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0204

Issued Date: 02/14/2018

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 January 1, 2015)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 13.031 (6) Vehicle Eluding/Pursuits: Officers Must Notify Communications of Pursuits (Policy that was issued January 1, 2015)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 13.031 (18) Vehicle Eluding/Pursuits: All Officers Involved in a Pursuit will complete a Blue Team Vehicle Pursuit Entry (Policy that was issued January 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	Written Reprimand

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 January 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 13.031 (6) Vehicle Eluding/Pursuits: Officers Must Notify Communications of Pursuits (Policy that was issued January 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

Officers responded to a request for an area search for a warrant suspect who was in possession of a reported stolen vehicle. While officers were conducting a high risk vehicle stop, the suspect fled in the stolen vehicle, nearly striking the patrol vehicle operated by Named Employee #1. Named Employee #1 pursued the suspect and Named Employee #2 assumed the role of secondary pursuit vehicle.

COMPLAINT

The complainant, a Department supervisor, alleged that Named Employees engaged in a pursuit of a vehicle that may have violated several portions of the SPD Manual Section involving Vehicle pursuits. Specifically, that it was an out of policy pursuit for a property crime, and that they failed to properly broadcast the required details of the pursuit over the radio. Additionally, while the Named Employee #1 completed a Collision report, she failed to complete a Blue Team Vehicle Pursuit entry.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The preponderance of the evidence showed that Named Employee #1 initiated and continued a pursuit of an eluding vehicle. SPD Policy 13.031(3) prohibits officers from engaging in vehicle pursuits for “traffic violations, civil infractions, misdemeanors, gross misdemeanors, property crimes or the act of eluding alone.” Named Employee #1 told OPA she believed the driver of the eluding vehicle was intentionally trying to ram her police car and cause injury to Named Employee #1. It was reasonable for Named Employee #1 to consider the possibility that the driver of the eluding vehicle might be thinking of ramming the police car and it was also reasonable for Named Employee #1 to believe she might be injured should her car be rammed. However, apart from the driving pattern of the eluding vehicle, there was no evidence to support the claim the driver attempted to assault Named Employee #1 by ramming her police car. In fact, after Named Employee #1 initially positioned her police car at the exit of the car wash such that there was a gap through which a vehicle could pass, Named Employee #1 began to pull her police car slowly forward as the eluding vehicle pulled out of the car wash and began to drive through the gap. It appeared the eluding vehicle was attempting to get past the police car and escape. A few moments later, during the pursuit when the eluding vehicle was temporarily blocked by another car, the reverse lights of the eluding car came on for just a moment or two, Then the driver of the eluding vehicle appeared to move forward and brake twice with a jerking motion, causing the police car operated by Named Employee #1 to strike the back of the eluding vehicle. There was no evidence the driver of the eluding vehicle was attempting to ram or assault Named Employee #1 at this point either. Based on the preponderance of the evidence, the OPA Director found that the only basis for pursuing the vehicle was for traffic infractions, misdemeanor/gross misdemeanor crimes (e.g., driving, obstruction, eluding), and a felony property crime (possession of a stolen vehicle). As such, this pursuit was not permitted under SPD policy.

SPD Policy 13.031(6) says:

The primary unit shall immediately advise Communications when initiating a pursuit and shall update relevant details including: - Reason for pursuit; - Location; - Direction; - Description of suspect vehicle and suspect(s); - Speed; - Traffic conditions (Pedestrians and Vehicles). After joining the pursuit, the secondary unit shall assume the responsibility for all radio transmissions from the primary unit.

The preponderance of the evidence showed that Named Employee #1 did not immediately advise Communication that she was initiating a pursuit, nor did she provide the information required in policy prior to Named Employee #2 arriving as a secondary unit.

Named Employee #1 was treated for injuries immediately following this pursuit and went out on injury leave. As such, she was unable to complete the required Blue Team Vehicle Pursuit Entry until she returned to work.

Named Employee #2 observed Named Employee #1's patrol car chasing after the eluding vehicle and saw that no other officers were following. Named Employee #2 was not aware of the reason for the pursuit, but was concerned for the safety of Named Employee #1 should the driver of the eluding vehicle pose a danger. Following SPD training, Named Employee #2 followed after Named Employee #1 to provide her with cover and assistance. While the pursuit itself was not permitted under SPD policy, Named Employee #2 was not aware of this fact and properly joined behind Named Employee #1 to provide her with assistance for her safety.

Named Employee #2 told OPA that he was unable to operate the police radio in his car because his long gun was not properly secured and it got in the way. OPA was not able to verify this. Given that there was a possibility Named Employee #2 was physically prevented from safely operating the police radio in his car and absent a preponderance of evidence to either substantiate or refute this, the OPA Director recommended a Not Sustained finding.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that this pursuit was not permitted under SPD policy. Therefore a **Sustained** finding was issued for *Vehicle Eluding/Pursuits: Officers Will Not Pursue Without Justification*.

Allegation #2

A preponderance of the evidence showed that Named Employee #1 did not immediately advise Communication that she was initiating a pursuit. Therefore a **Sustained** finding was issued for *Vehicle Eluding/Pursuits: Officers Must Notify Communications of Pursuits*.

Allegation #3

A preponderance of the evidence showed that Named Employee #1 was unable to complete the required Blue Team Vehicle Pursuit Entry until she returned to work. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Vehicle Eluding/Pursuits: All Officers Involved in a Pursuit will complete a Blue Team Vehicle Pursuit Entry*.

Discipline Imposed: Written Reprimand

Named Employee #2

Allegation #1

A preponderance of the evidence showed that Named Employee #2 was not aware of the reason for the pursuit, and properly joined behind Named Employee #1 to provide her with assistance for her safety. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Vehicle Eluding/Pursuits: Officers Will Not Pursue Without Justification*.

Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Vehicle Eluding/Pursuits: Officers Must Notify Communications of Pursuits*.

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.