

June 29, 2023

Community Police Commission
700 Fifth Avenue, Suite 1640
Seattle, WA 98124

Reverend Patricia Hunter, Reverend Harriet Walden, Joel Merkel - Co-Chairs

Dr. Cali Ellis – Interim Director:

This letter is in response to the Community Police Commission letter of June 9, 2023, seeking additional information and clarification regarding SPD’s policy and practices around emergency driving.

In particular, you asked about what led to my decision to temporarily suspend pursuits at the Seattle Police Department. As referenced in your letter, there are new state law requirements before an officer may engage in pursuits, including the 40-hour course through the Washington State Patrol and recurring in-service training. Additionally, however, SB 5352 requires that the pursuing officer “*must be certified in at least one pursuit intervention option*.” My decision to suspend pursuits in order to ensure proper training of all personnel, and SPD’s response to KUOW, was primarily directed to this last requirement: because SPD policy and training have not historically focused on force as a pursuit-ending tactic (as opposed to continuing to monitor conditions to determine whether the circumstances warrant continuing pursuit), very few personnel have been trained and certified in the “pursuit intervention” tactics the statute now requires writ large. As such, I believe that decision is completely consistent with what I wrote in my February 15th letter.

SPD takes its responsibilities under the law seriously. We owe it to both our community and our officers to issue proper guidance with respect to officer authority and department expectations. That principle is at the root of our decision processing here. Turning to your specific questions:

1. What is the total number of officers required to take the training?

All new recruits are required to complete the initial 40-hour EVOC training at the CJTC, conducted by the Washington State Patrol. As part of their equivalency for state certification, all out of state lateral officers must demonstrate comparable training from their original jurisdiction in order to be EVOC-eligible under state rules.

SPD aims to provide bi-yearly EVOC updates consisting of in some combination driving skills at either high or low speed (low speed constituting the majority of department-vehicle collision), legal and policy updates, and risk assessment.¹ SPD provided updated training in late 2020 and, more recently, in May of this year.

¹ SB 5352, EVOC training “must include training on performing the risk assessment analysis described in subsection 1(c) of this section.”



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As stated above, it is the latter clause of the law – requiring that officers be certified in at least one pursuit intervention option – that directed my decision to temporarily suspend pursuits. As “certification” is an undefined term and, presently, there is no “certification” we are aware of that would attach to the pursuit intervention tactics the law requires pursuing officers to be “certified” in (such as the use of stop sticks or the Pursuit Intervention Technique (PIT), SPD (consistent with other jurisdictions, and in the absence of more specific direction from the CJTC), interprets “certification” as analogous to “training” to a level of proficiency. SPD, which prior to this law viewed the use of force to end a pursuit as a rare exception (consistent with SPD Manual Title 8), rather than the rule that the statute seems to contemplate, has not consistently trained its patrol officers in these tactics. This is an important point – *the new law requires a use of force to end pursuits*. SPD ended its use of stop sticks several years ago based upon both practical and officer safety concerns; only SWAT is trained in PIT. We have now purchased new stop sticks, are re-training officers to use the stop sticks, and are evaluating remote deployment options that may make the use of stop sticks safer overall. We do not intend to expand the authorized use of PIT beyond SWAT.

2. What is the total number of officers who have completed the EVO training? Of that number, how many are up to date on their training? How many officers are not up to date on their training as of May 25, 2023?

All officers completed the basic EVOC training as a requirement to become sworn officers certified by the State of Washington. As of June 16, 2023 there were 355 officers who had not completed the updated training the department published in May, in order to ensure all officers had received updated training within the statutorily required two-year period. Of those 355 officers, 61 are listed as HR unavailable. 175 of those were assigned to patrol.

We have also completed stop stick training in a train the trainer format out at the precincts and officers are completing the stop stick hands-on training; we have also developed and are distributing an e-learning on that same subject.

To be clear: all officers are required to complete the updated EVOC and stop-stick or PIT training in order to be pursuit eligible.

3. Of the officers who are not up to date on EVO training, what training, if any, have they received? Please provide a breakdown on a per-officer basis.

Officers are required to complete all three parts of the required training. As explained above, all officers receive initial EVOC training and the current status of retraining is set forth above.

4. What is your plan to update the EVO training of all SPD officers?

See response to Question 2, above.



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5. Would you please provide more specific information on EVO training? Where is it held and what does it entail? Has it changed in recent years to be more (or less) robust? If so, how?

6. To what extent has city funding for SPD training impacted the quality and frequency of EVO training?

These two questions are best answered together. In past years, SPD has been able to procure space to conduct high speed, low speed, and contextual training (simulating driving in an urban environment). More recently, SPD has rented Pacific Speedway to conduct high speed skills training, at great expense (around

\$500K). However, SPD is one of the few major city departments in the country that does not have a dedicated and complete training facility, and we do not have regular access to space to hold EVOC courses. SPD and CPC have discussed the inadequacy of SPD training venues in the context of our edged weapons training, which should be held in a mock city environment that we do not have. As with all of our training, we have worked to patch together options, but have not identified a currently available space for high speed or contextual EVOC training. Low speed can be conducted in parking lots.

EVO training may include hands on either low speed or high-speed driving skills. It always includes training on department policy, state law, best practices and risk assessment. We emphasize analyzing the risk of the pursuit presents to the officers and public against the need to apprehend the suspect. The officers are reminded of the dynamics of high-speed vehicle operations that result in reduced reaction times along with the increased braking distances. Environmental factors such as speed, lighting, weather, vehicle and pedestrian traffic as considerations when deciding whether to engage in emergency vehicle operations. These are discussed not only in terms of pursuits but in responding to priority calls while driving outside the normal traffic patterns. included are the potential negative outcomes from operating vehicles at higher speeds, are discussed in relation to vehicle handling we have not had the ability to conduct skill development courses in the last few years because of funding and staffing shortages.

Again, consistent with state law, the highest priority in training is to ensure decision-making consistent with law, policy, and emerging best practices. However, emergency driving is a perishable skill and SPD will continue to search for appropriate training venues.

7. Why does SPD's EVO policy 13.030 not require officers to consider the same factors as those under the vehicle pursuit policy 13.031, either in the decision to initiate or continue an emergency response? Does SPD have a plan to update its EVO policy to include the requirement to consider the same community safety factors as contained in the vehicle pursuit policy? If not, why not?

At the outset, there are differences between emergency driving and pursuits. While both require operational skill and critical decision-making, a pursuit incorporates an uncontrollable factor: the fleeing driver. This is, in part, why pursuits are more heavily regulated in state law than emergency driving.



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SPD Operations Manual Section 13.030 – Emergency Vehicle Operations –stresses that preservation of life is the greatest priority, and criminal apprehension and preservation of property are secondary. Under the policy, officers are directed to balance the risk of emergency driving against the need to arrive on scene quickly.

Additionally, many of the criteria incorporated into your question, such as “whether the incident is life-threatening, road conditions, vehicle and pedestrian traffic, weather, speed, lighting, their own driving abilities, and the priority level of the call” are already incorporated into SPD 13.30. That policy limits emergency driving to situations involving and in-progress (felony, non-property) crime or legitimate concern for the preservation of life. Additionally, the policy appropriately balances the totality of the circumstances for the need for emergency driving against the risk of doing so. As such, the policy incorporates the majority of the factors spelled out in SPD 13.031.

That said, we are evaluating edits to make the two policies more consistent, as we fully agree that most of the same considerations, notwithstanding the fleeing driver, are present in both circumstances.

8. Currently, the priority level of the call is not a factor in emergency vehicle response under policy 13.030. As you wrote in your letter, while a priority 1 call may warrant emergency driving under current policy and training, not all priority 1 calls do and officers must consider the totality of the circumstances.

Why does the SPD policy on EVO not include a more detailed and explicit threshold that must be met before an officer makes a decision to engage in emergency driving (like there is with the vehicle pursuits policy)?

The threshold set forth in 13.031 is dictated by state law and is dependent in large part on the threat posed by the fleeing driver. SPD 13.030 limits pursuits to violent felonies, in-progress misdemeanors or emergencies involving preservation of life. As we consider SPD 13.030, we will incorporate any additional specific guidance we determine is appropriate.

9. Before engaging in emergency driving, are officers required to activate emergency lights and use their sirens as necessary to warn others of the emergency nature of the situation? If so, why is this not spelled out in the policy 13.030?

SPD 13.030 states “Officers Use Emergency Lights for Emergency Response” and “Officers will use audible signals when necessary to warn others of the emergency nature of the situation.” This last part refers to sirens, but uses the language set forth in state law. Ultimately, there is no authority for peace officers to deviate from traffic laws unless emergency equipment is activated. As we review SPD 13.030, we will



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consider specifically aligning the language of 13.030 and 13.031. The “as necessary” language comports with the acoustical physics around the use of a siren in a congested urban environment; specifically, whereas a continuous siren may be difficult to locate as sound reverberates off of buildings and/or can blend in with ambient background noise, “chirping,” or intermittent bursts of a siren, may be a more effective alert. As an aside, we are exploring adding sub-sonic sounds to our sirens that purport to help with directionality.

10. If there is a collision with a pedestrian or motorist during an emergency response, what is the SPD expectation of the officer to stop and perform life saving measures? What is the SPD training and policy on the officer’s duty to render aid in this circumstance?

Without delving into the legal contours around the question of an officer’s “duty” and setting aside the larger question around the labor jurisdiction of City first responders, SPD provides officers with extensive training that goes far beyond “first aid.” In instances involving an intentional use of force, state law requires officers to provide medical care within the scope of their training and ability; generally, we would expect that officers would assist anyone in serious medical need, regardless of the circumstances leading to that need, within the scope of their training until the Seattle Fire Department could respond and take over care.

I hope this answers your questions and I look forward to further discussions with the Community Police Commission in the future. We truly value our relationship and appreciate the hard work you for Seattle.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ADZ'.

Adrian Z. Diaz
Chief of Police