



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0930

Issued Date: 04/27/2017

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 (2) Vehicle Eluding/Pursuits: Pursuing Officers Will Exercise Due Care and Activate Emergency Equipment (Policy that was issued January 1, 2015)
OPA Finding	Sustained
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee initiated a vehicle pursuit.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee violated SPD Manual policy pertaining to vehicle eluding / pursuits.

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 violated policy by pursuing a vehicle for traffic violations and/or misdemeanors, reasons prohibited by policy. The preponderance of the evidence from the OPA investigation showed that Named Employee #1 engaged in two pursuits of the suspect vehicle. The first pursuit began after the suspect vehicle ran a stop sign and accelerated rapidly away from Named Employee #1, and ended when Named Employee #1 shut off his emergency equipment as he approached the on-ramp for a freeway. The second pursuit took place after Named Employee #1 relocated the suspect vehicle on the freeway. The preponderance of the evidence also showed that Named Employee #1 had no basis to believe the driver of the vehicle was wanted for anything other than expired tabs and driving-related offenses.

The complainant alleged that Named Employee #1 failed to exercise due care with respect to his driving behavior while engaged in the pursuit and did not have his full emergency equipment activated throughout both pursuits. The preponderance of the evidence showed that there were several occasions during the two pursuits when the emergency lights were activated without the siren. In addition, the evidence showed Named Employee #1 drove his police car while engaged in the pursuits in a manner that did not display, "due regard for the safety of all persons," as required by SPD policy. Examples of unsafe driving included Named Employee #1's passage through an intersection controlled by a five-way stop sign, his sudden travel across several lanes on the freeway, and his travel without a siren along the shoulder of the freeway past stopped traffic.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that Named Employee #1 violated the policy. Therefore a **Sustained** finding was issued for *Vehicle Eluding/Pursuits: Officers Will Not Pursue Without Justification*.

Allegation #2

The evidence supports that Named Employee #1 violated the policy. Therefore a **Sustained** finding was issued for *Vehicle Eluding/Pursuits: Pursuing Officers Will Exercise Due Care and Activate Emergency Equipment*

Discipline imposed: Written Reprimand

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.