



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JANUARY 29, 2020

CASE NUMBER: 2019OPA-0726

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	13.031 - Vehicle Eluding/Pursuits 4. Officers Will Not Pursue Without Articulable Justification that the Public Safety Need to Stop the Eluding Vehicle Outweighs the Inherent Risk of Pursuit Driving	Not Sustained (Training Referral)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

It was alleged that the Named Employee may have engaged in an out of policy pursuit.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

***13.031 - Vehicle Eluding/Pursuits - 4. Officers Will Not Pursue Without Articulable Justification that the Public Safety Need to Stop the Eluding Vehicle Outweighs the Inherent Risk of Pursuit Driving***

On September 25, 2019, Named Employee #1 (NE#1) located a car that he believed had been involved in recent commercial burglaries. He ran the car's license plate and further determined that it was stolen. NE#1 attempted to effectuate a traffic stop on the car, including activating his patrol vehicle's emergency equipment. The car did not stop and accelerated away. NE#1 pursued the car for approximately 20 seconds, operating his patrol vehicle outside of normal traffic patterns. After that period of time, he terminated the pursuit and deactivated his patrol vehicle's emergency equipment.

NE#1's chain of command determined that the pursuit was technically outside of policy as NE#1 was pursuing solely for property crimes. Indeed, SPD Policy 13.031-POL-4 expressly states that a pursuit is prohibited for property crimes alone. Given this, the chain of command referred this matter to OPA. Notably, as was appropriate, the chain of command explained to NE#1 that the referral to OPA was being made, as well as counseled and retrained him concerning this incident and the relevant policy. NE#1 acknowledged that he had engaged in an out of policy pursuit, even if just momentarily. He expressed that he would more closely comply with the policy moving forward. The chain of command further noted that this was NE#1's first violation of the pursuit policy during his career.

In evaluating this matter, OPA agrees that the pursuit engaged in by NE#1 was outside of policy. This was the case even though it lasted for only 20 seconds. However, OPA, like the chain of command, recognizes that this was a minor violation of this policy. OPA also recognizes that NE#1 completely took responsibility for what he did wrong and committed to not engage in similar conduct in the future. OPA thinks highly of NE#1 and has no doubt that he will not intentionally make this mistake again.

The purpose of discipline is to ensure that behavior is corrected. Here, NE#1 recognized what he did wrong, has been accountable for his actions, and has explained how he will change his behavior moving forward. As such, the system has worked and OPA believes that a Sustained finding is not appropriate. Instead, OPA issues NE#1 the below Training Referral.

- **Training Referral:** From OPA's perspective, NE#1's chain of command has already thoughtfully and thoroughly counseled and retrained NE#1. As such, no further counseling or retraining is required by OPA and any additional action concerning this matter is within the discretion of the chain of command.

Recommended Finding: **Not Sustained (Training Referral)**