



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 18, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0063

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

#### **Named Employee #1**

<b>Allegation(s):</b>		<b>Director's Findings</b>
# 1	13.031 - Vehicle Eluding Pursuits 3. Officers in Pursuits Will Activate Emergency Lights and Shall Use Their Sirens as Necessary to Warn Others of the Emergency Nature of the Situation	Not Sustained (Training Referral)
# 2	13.031 - Vehicle Eluding Pursuits 5. Officers Will Cease Pursuit When the Risk of Pursuit Driving Outweighs the Need to Stop the Eluding Driver	Sustained
# 3	13.030 - Emergency Vehicle Operations 2. Officers May Drive in an Emergency Response Only When the Need Outweighs the Risk	Allegation Removed
# 4	13.030 - Emergency Vehicle Operations 13. Intentional Vehicle-to-Vehicle Contacts Are Prohibited as Pursuit-Ending Tactics Except as Justified Under the Use of Force Policy	Sustained

#### **Imposed Discipline**

Written Reprimand
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#### **Named Employee #2**

<b>Allegation(s):</b>		<b>Director's Findings</b>
# 1	13.031 - Vehicle Eluding Pursuits 5. Officers Will Cease Pursuit When the Risk of Pursuit Driving Outweighs the Need to Stop the Eluding Driver	Not Sustained (Training Referral)
# 2	13.030 - Emergency Vehicle Operations 13. Intentional Vehicle-to-Vehicle Contacts Are Prohibited as Pursuit-Ending Tactics Except as Justified Under the Use of Force Policy	Not Sustained (Training Referral)

#### **Named Employee #3**

<b>Allegation(s):</b>		<b>Director's Findings</b>
# 1	13.031 - Vehicle Eluding Pursuits 10. The Controlling Supervisor is Responsible for the Pursuit	Sustained
# 2	1.020 - Chain of Command 7. Command Employees Take Responsibility for Every Aspect of Their Command	Sustained
# 3	13.030 - Emergency Vehicle Operations 2. Officers May Drive in an Emergency Response Only When the Need Outweighs the Risk	Not Sustained (Lawful and Proper)



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Imposed Discipline

Written Reprimand

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***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 Named Employee #1 and Named Employee #2 engaged in an out of policy pursuit and used an inappropriate force tactic to end the pursuit. It was further alleged that Named Employee #3, a Lieutenant, failed to properly supervise the pursuit and may have engaged in out of policy emergency vehicle operations.

**SUMMARY OF INVESTIGATION:**

This investigation stems from a vehicle pursuit that occurred on February 3, 2021, at around 8:10 a.m. Multiple officers from both the North and West Precincts pursued the suspect, who was identified as the perpetrator of an armed robbery. The crime occurred at approximately 7:44 a.m. in North Seattle and the suspect's vehicle was spotted by North Precinct officers shortly thereafter. The pursuit travelled for around 12.88 miles, beginning in the North Precinct and ending with a collision at 8:24 a.m. in the vicinity of Alaskan Way in downtown Seattle. The collision was the result of multiple incidences of ramming of the suspect vehicle by a patrol vehicle occupied by Named Employee #1 (NE#1) and Named Employee #2 (NE#2).

Both the Traffic Collision Investigation Squad (TCIS) and the Force Investigation Team (FIT) responded to the scene to investigate. TCIS was dispatched because an SPD patrol vehicle was involved in a collision with other occupied vehicles. FIT responded due to a request by command staff given the belief that the force used to end the collision was potentially Type III and because of the possibility that the force may have been inconsistent with SPD policy.

OPA also responded to the scene and observed the TCIS and FIT investigations. OPA also observed the interviews of multiple involved officers, including: NE#1 – the driver of the patrol vehicle that engaged in the ramming; NE#2 – the passenger of that vehicle; and Named Employee #3 (NE#3) – the Lieutenant who was monitoring the pursuit at the time and who authorized the ramming. That same day, FIT made an OPA referral. The FIT Captain alleged that NE#1 and NE#2 engaged in an unsafe pursuit, failed to terminate when the need to pursue was outweighed by the danger of continuing the pursuit, failed to provide updates on their speeds and overall driving conditions, and failed to continuously use their patrol vehicle's emergency equipment. The FIT Captain also alleged that the ramming engaged in by NE#1 and NE#2 put bystanders at risk of harm, damaged the property of community members, and was inconsistent with policy. Lastly, the FIT Captain alleged that NE#3 improperly authorized the ramming, failed to properly exercise control over the pursuit, and failed to obtain necessary information from the involved officers during the pursuit. As a result, OPA commenced this investigation.

As a starting point, OPA reviewed the reports generated concerning this incident, which outlined the conduct of the suspect that formed the basis for the pursuit. Given the nature of the crime and the significant likelihood that the suspect was still armed and presented a danger to others, the pursuit was clearly justified at its inception.

OPA watched video – both In-Car Video (ICV) and Body Worn Video (BWV) – from all of the officers involved in the pursuit. In doing so, OPA determined that a number of the officers involved in some or all of the pursuit did, at times, engage in potentially unsafe vehicle operations. However, similar to the FIT Captain, OPA determined that this conduct



did not pose the same significant potential policy violations engaged in by NE#1, NE#2, and NE#3. Ultimately, OPA determined that these other officers' conduct was better handled by the chain of command with counseling, retraining, and an overall incident debrief.

The video depicted the pursuit from its inception to the collision that caused its end. The video indicated that the pursuit began at NW 85<sup>th</sup> Street and 15<sup>th</sup> Avenue NW. At that time, only North Precinct officers were involved. NE#1 and NE#2 joined the pursuit at West Mercer Place after it moved into the confines of the West Precinct. After joining the pursuit, NE#1 and NE#2 became the lead vehicle. They remained in this position until the collision that ended the pursuit. During the pursuit, NE#1 and NE#2 drove at speeds in excess of 60 miles per hour while following the suspect. There was heavy rain during the pursuit. For much of the pursuit there was heavy vehicle traffic on the roads, as well as pedestrians on the sidewalks and crossing at intersections. On multiple occasions, the suspect sped through intersections where pedestrians were crossing. The suspect also drove against traffic and swerved in the road, almost causing collisions on a number of occasions. The video showed NE#1 and NE#2 ram the suspect approximately eight times at various points. During the ramming, there were other vehicles on the roadway. Prior to the first ramming, the officers asked for approval, which was provided by NE#3. The eighth and last ramming occurred on Alaskan Way. NE#1 and NE#2 struck the back of the suspect's vehicle, pushing it left and causing it to rotate sideways and strike a garbage truck. The patrol vehicle then struck a stopped Prius. There was significant damage to all of the vehicles involved in the pursuit; however, and fortunately, there were no serious injuries. The suspect was ultimately taken into custody.

OPA additionally reviewed the investigations completed by TCIS and FIT. Particularly relevant to OPA's investigation, was TCIS's assessment of the ramming and ultimate collision. TCIS deemed six of the eight incidences of ramming to be light. TCIS found that the second and eighth were more forceful. TCIS described the final ramming as follows:

The final collision between the front of the patrol vehicle occurred in the northbound lanes of Alaskan Way, just north of Clay Street. The original contact was forceful enough to cause the [suspect vehicle] to rotate counter-clockwise while it was slowing for stopped traffic. Multiple other vehicles were struck, and the pursuit came to an end.

TCIS further noted that, prior to the collision, both vehicles approached the intersection at higher than the posted speed limit. A pedestrian was in the crosswalk and was required to run back eastbound to avoid the suspect and patrol vehicle. TCIS noted that another vehicle was stopped for the pedestrian and "fortunately" this vehicle was not struck. TCIS estimated that the patrol vehicle was driving at roughly 47.6 miles per hour at the time of the collision and, five seconds earlier, was travelling at approximately 58.8 miles per hour.

Lastly, OPA interviewed all of the Named Employees and obtained their accounts of their actions and decision-making during this pursuit.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

***13.031 - Vehicle Eluding Pursuits 3. Officers in Pursuits Will Activate Emergency Lights and Shall Use Their Sirens as Necessary to Warn Others of the Emergency Nature of the Situation***



SPD Policy 13.031-POL-3 requires that officers in pursuits activate emergency lights and sirens as necessary in order to warn others of the emergency nature of the situation.

The video indicated that, while the emergency equipment for the patrol vehicle occupied by NE#1 and NE#2 was activated at the inception of the pursuit, the siren was deactivated after the second ramming. As such, the siren was not used for nearly the last four minutes of the pursuit, including during the final collision.

At both of their OPA interviews, NE#1 and NE#2 noted that, as the driver, NE#1 was responsible for ensuring the patrol vehicle's emergency equipment was utilized during the pursuit. NE#1 said that he became aware of the lack of a siren somewhere in King Sector and that he relayed this to NE#2. He believed that he told NE#2 to broadcast this over the radio; however, a review of the radio traffic and video indicated that this information was not, in fact, broadcasted. NE#1 did not believe it was appropriate for him and NE#2 to break off of the pursuit at that time. He noted that they were the closest patrol vehicle to the suspect and that, if they backed off, the suspect could escape. He further opined that other patrol vehicles that were involved in the pursuit and that were in close proximity had their emergency equipment – including sirens – activated. He believed that this provided sufficient notice to the public.

The lack of a siren at the end of the pursuit is one of the factors that played into OPA's decision to sustain Allegation #2. As such, OPA feels that it is unnecessary to also sustain this allegation and, instead, recommends that it be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should review the video of his interaction with the Complainant. The chain of command should discuss the pursuit, generally, and NE#1's actions and decision-making. This should include not terminating the pursuit as it became more dangerous and after NE#1's emergency equipment became deactivated. The retraining and counseling that is conducted should be documented, and this documentation should be set forth in an appropriate database.

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

#### **Named Employee #1 - Allegation #2**

##### ***13.031 - Vehicle Eluding Pursuits 5. Officers Will Cease Pursuit When the Risk of Pursuit Driving Outweighs the Need to Stop the Eluding Driver***

SPD Policy 13.031-POL-5 requires that officers cease a pursuit when the risk of pursuit driving outweighs the need to stop the eluding driver.

In assessing this allegation, OPA notes that the crime in question – an armed robbery – was a serious one. As such, the pursuit was clearly justified at its inception. Moreover, given the severity of the underlying crime, the suspect's obvious disregard for the safety of others, and the fact that he was believed to still be armed, a relatively high level of risk was acceptable given the need to take the suspect into custody. However, during the course of this pursuit – like any pursuit – this risk calculus can and does change.

At the time NE#1 and NE#2 joined the pursuit, it had proceeded through the North Precinct and into the West Precinct. The suspect's driving was unsafe at the time NE#1 and NE#2 began pursuing and grew even more dangerous. Notably, the suspect's speed increased, and he drove in a manner that was extremely unsafe. In response, NE#1 and NE#2 also increased their speed, proceeded into oncoming lanes of traffic, and followed the suspect through intersections –



including through red lights and stop signs. From OPA's review of the video, NE#1 and NE#2 drove into oncoming lanes of traffic 11 times. They also drove through 40 intersections (including multiple red lights) and 16 stop signs, not slowing, stopping, or yielding for traffic except to turn. The video indicated that, on several occasions, pedestrians were either in or about to step into the crosswalk. Neither the patrol vehicle nor the suspect stopped at those times. In addition, throughout this time, NE#1 and NE#2 rammed the suspect on eight occasions. Most of the incidences of ramming occurred in the immediate vicinity of other vehicles. Moreover, the last ramming occurred, again, in the immediate presence of other vehicles and while the patrol vehicle was driving nearly 50 miles per hour.

Lastly, as discussed above, the patrol vehicle's siren was disabled for nearly the last four minutes of the pursuit, including when the eighth ramming occurred. While not, itself, determinative, this played a factor in OPA's risk assessment.

During his OPA interview, NE#1 acknowledged that he drove at high speeds at times. He recognized that he would have had difficulty in stopping had pedestrian or other traffic moved directly in front of him. NE#1 said that he did see some pedestrians; however, there were others that he noted for the first time after reviewing his video. OPA asked NE#1 about portions of the pursuit when he drove nearly bumper to bumper with the suspect, at times at speeds over 70 miles per hour. He said that he felt that he backed off at time, but, after seeing his video, he admitted that he could have done so more.

NE#1 said that he had learned a lot since this pursuit occurred. He told OPA that, in hindsight, he should have taken more precautions when proceeding through intersections. He also stated that he should have backed off after the second ramming was unsuccessful.

When evaluating the totality of the circumstances, OPA concludes that, over the course of the pursuit, the danger of continuing the pursuit grew so significantly that it outweighed the need to stop the suspect. OPA does not make this decision lightly. OPA recognizes the serious crimes engaged in by the suspect and does not discount that taking him into custody was a strong law enforcement interest. However, the increase to community safety that would result from stopping and arresting the suspect has to be balanced against the significant risk to the public from continuing the pursuit. That risk was clearly shown on the video, as the patrol vehicle and the suspect sped through intersections without stopping, drove into oncoming traffic, nearly struck pedestrians, and then became involved in a collision that caused serious damage to other vehicles and could have caused catastrophic injuries. As such, OPA finds that NE#1's failure to terminate the pursuit as it became unduly dangerous violated policy.

In reaching this conclusion, OPA acknowledges NE#1's recognition of what he did wrong and his acceptance of responsibility. OPA also notes that, in NE#1's own words, he has learned an enormous amount from this incident and would handle a similar situation differently in the future. OPA believes that this should be considered as mitigating factors when determining the level of discipline to be imposed.

For these reasons, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**



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**Named Employee #1 - Allegation #3**

***13.030 - Emergency Vehicle Operations 2. Officers May Drive in an Emergency Response Only When the Need Outweighs the Risk***

SPD Policy 13.030-POL-2 governs emergency vehicle operations and states that officers may drive in an emergency response only when the need outweighs the risk. OPA concludes that this policy is duplicative of SPD Policy 13.031-POL-5, discussed above in Allegation #3. Accordingly, OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**

**Named Employee #1 - Allegation #4**

***13.030 - Emergency Vehicle Operations 13. Intentional Vehicle-to-Vehicle Contacts Are Prohibited as Pursuit-Ending Tactics Except as Justified Under the Use of Force Policy***

SPD Policy 13.030-POL-13 precluded intentional vehicle-to-vehicle contact as a tactic to end a pursuit, unless it is otherwise justified under the use of force policy.

When assessing the eight incidences of ramming during this incident, OPA focuses on the eighth occurrence that ultimately caused the pursuit-ending collision. OPA does so because this was the most egregious ramming and, as discussed below, was outside of policy.

At his OPA interview, NE#1 stated that he considered that the vehicle was approaching a park that could be populated. He felt that it was necessary to stop the pursuit so that the suspect could not continue placing others in danger. He said that he could see the garbage truck and his intent was the ram the suspect vehicle into the garbage truck. While he saw other vehicles in the vicinity, he did not think that his patrol vehicle would bounce off and into the Prius. NE#1 felt that he did not have any other alternatives at the time and that he needed to get the suspect to stop; however, he told OPA that, in hindsight, he would not have engaged in this ramming due to the damage it caused.

OPA concludes that the eighth ramming was a high level of force. The ramming occurred at an elevated speed (approximately 47 miles per hour) and was done with other vehicles in the near vicinity. Even under NE#1's plan – ramming the suspect into the garbage truck – this could have resulted in serious injury to if not the death of the suspect. Moreover, even if not predicted by NE#1, the ramming caused his patrol vehicle to bounce off of the truck and into the Prius next to him. This caused significant damage to the driver's side of the occupied Prius and, again, could have caused serious harm to the driver, if not the driver's death. Lastly, the tactic also subjected both NE#1 and NE#2 to a significant risk of physical harm. Ultimately, that no serious injuries occurred was purely luck.

In OPA's opinion, it is problematic that, while SPD policy prohibits officers untrained in a PIT maneuver from using that tactic, officers receive no training in ramming and this tactic is not prohibited. Moreover, in OPA's experience, when done correctly and by a trained officer, a PIT maneuver is relatively low risk. This is unlike ramming, which not only can cause both vehicles to go in unpredictable locations, but that can also result in debilitating damage to the ramming vehicle. OPA believes that, if SPD thinks that it is advisable for officers to ram (OPA does not think this is appropriate at high speeds), it should train officers on how and when to do so. If not, the tactic should be flatly prohibited.



However, as ramming is not precluded by policy, NE#1's actions are evaluated in the framework of a use of force. For all the reasons stated above, OPA finds that this force was not reasonable, necessary, or proportional under the circumstances. As such, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #2 - Allegation #1**

***13.031 - Vehicle Eluding Pursuits 5. Officers Will Cease Pursuit When the Risk of Pursuit Driving Outweighs the Need to Stop the Eluding Driver***

OPA classified allegations against NE#2 based on the possibility that he may have caused or influenced NE#1's decision to not terminate the pursuit and to ram the suspect multiple times, including the eighth occurrence that resulted in a serious collision.

From OPA's investigation it appeared clear that, while NE#2 did not actively discourage either act, he did not cause them to occur. Accordingly, OPA finds no basis to sustain either allegation against him. However, OPA believes that NE#2 would benefit from extensive retraining and counseling concerning his and NE#1's actions and decision-making during this incident. Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#2's chain of command should review the video of his interaction with the Complainant. The chain of command should discuss the pursuit, generally, and NE#2's actions and decision-making. This should include not terminating the pursuit as it became more dangerous and after the patrol vehicle's emergency equipment became deactivated. Lastly, NE#2 should be counseled and retrained concerning the propriety of the decision to ram the suspect's vehicle eight times and often at high speeds. The retraining and counseling that is conducted should be documented, and this documentation should be set forth in an appropriate database.

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

**Named Employee #2 - Allegation #2**

***13.030 - Emergency Vehicle Operations 13. Intentional Vehicle-to-Vehicle Contacts Are Prohibited as Pursuit-Ending Tactics Except as Justified Under the Use of Force Policy***

OPA recommends that this allegation be Not Sustained and refers to the above Training Referral (see Named Employee #2 – Allegation #2).

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

**Named Employee #3 - Allegation #1**

***13.031 - Vehicle Eluding Pursuits 10. The Controlling Supervisor is Responsible for the Pursuit***

SPD Policy 13.031-POL-10 governs supervisory oversight of pursuits. The policy states that the controlling supervisor is responsible for the pursuit. The policy further states the following: "The controlling supervisor's responsibility extends only to the question of whether the pursuit is within policy. In order to make this determination, the controlling supervisor shall immediately establish radio contact with the primary unit and gather relevant





information...” The relevant information that must be gathered is set forth in SPD Policy 13.031-POL-10 and includes: (1) the reason for pursuit; (2) the location; (3) the direction of the pursuit; (4) a description of the suspect vehicle and the suspect(s); (5) the speeds of the pursuit; and (6) traffic conditions, including pedestrians and other vehicles on the road.

From a review of radio traffic, officers provided frequent updates on directions of travel throughout the pursuit; however, only two speed updates were provided by NE#1 and NE#2 and no updates were provided concerning the traffic conditions.

At her OPA interview, NE#3 identified that there were a number of other supervisors above her in the chain of command who were also monitoring the pursuit. She asserted that any of those supervisors could have overruled her decisions if they disagreed with her. She further noted that she was not responsible for the pursuit when it proceeded through the North Precinct. However, she recognized that she was in control of the pursuit while it was in the West Precinct. This was consistent with the tactical supervision, including direction, provided by NE#3 to the other involved officers at that time.

NE#3 stated that she obtained regular direction updates, that she was informed of the speed of some of the officers, and that other updates were provided over radio. When asked whether these updates were accurate or sufficiently complete, NE#3 stated that the officers were doing the best they could to provide ongoing information given the circumstances. She said that she continued to monitor the pursuit from her vehicle. NE#3 told OPA that she recalled that the conditions during the pursuit were clear and sunny. She also told OPA that, from her observations, she did not believe that the speeds of officers were excessive. She pointed to there being light traffic, both because of the time of day and because of COVID. She said that she was not close enough to the lead patrol vehicles to see their actions and driving but felt that their speed was under control because of the regular turning. She was, however, driving downtown, so she would have been aware in real-time of the driving conditions.

In assessing this allegation, OPA views it as having two components.

First, the controlling supervisor is responsible for ensuring that the pursuit is within policy at its inception. Even though NE#3 was not the controlling supervisor at the time the pursuit began, it is clear to OPA that the pursuit was consistent with policy at that time.

Second, the controlling supervisor is responsible for obtaining regular updates throughout the course of the pursuit. OPA finds that NE#3 fell short of the expectations of policy in this respect. As is clear from the radio traffic and other evidence, the only regular updates obtained by NE#3 concerned the direction of the pursuit. There were only two occasions where the lead vehicle reported speeds, with the second report being incomplete. Moreover, OPA could find no updates on the conditions of the pursuit, including descriptions of weather and road conditions and on the amount of pedestrian/vehicle traffic. NE#3 did not seek these updates. Part of the reason for this was that she was involved in the pursuit and, herself, emergency driving. While OPA understands her rationale for doing so, OPA believes that this was inadvisable given her role as the controlling supervisor. In this role, NE#3 was responsible for monitoring not engaging in the pursuit. The purpose in doing so was to have a full picture of what was ongoing so that the pursuit could be terminated if it grew increasingly unsafe. Indeed, OPA believes that this contributed to her failure to fully comply with this portion of the policy.

For these reasons, OPA recommends that this allegation be Sustained.





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Recommended Finding: **Sustained**

**Named Employee #3 - Allegation #2**

***1.020 - Chain of Command 7. Command Employees Take Responsibility for Every Aspect of Their Command***

SPD Policy 1.020-POL-7 requires that command employees take responsibility for every aspect of their command. OPA added this allegation based on the possibility that NE#3 violated policy when she did not direct the involved officers to terminate the pursuit and when she approved the request by NE#1 and NE#2 to ram the suspect's vehicle.

Again, as discussed above, while NE#3 asserted that there were other higher ranking supervisors monitoring the pursuit, she was the controlling supervisor when it was proceeding through the West Precinct. OPA rejects the contention that, simply because other supervisors were monitoring the pursuit, NE#3 was not responsible for her decision-making. If that were the case, any frontline supervisor could abdicate responsibility at any time as other supervisors regularly monitor significant incidents. What is relevant is the identity of the supervisor who exerted tactical control over the pursuit – this was NE#3. Given this finding, OPA concludes that NE#3's supervision of this incident violated policy.

First, NE#3 should have realized that, as the pursuit moved through the West Precinct, it became increasingly unsafe. There was fairly heavy rain at the time, which is contrary to NE#3's recollection of the weather. Moreover, there were numerous vehicles and pedestrians observed during portions of the pursuit. While NE#3 believed that traffic was light, this was not supported by the video. Further, she should have known this as she was, herself, involved in the pursuit and was driving through the same streets. In addition, had NE#3 been monitoring the pursuit remotely, including making sure that regular updates were being provided by the involved vehicles, she might have had more information to inform the decision of whether or not to terminate the pursuit. Instead, she involved herself in the pursuit and, instead of solely monitoring what was happening, she balanced emergency driving with tactical decision-making. In OPA's perspective, this prevented her from dispassionately assessing the growing danger of the pursuit and making the reasoned decision to terminate. As discussed in the context of NE#1, OPA recognizes the severity of the underlying crime and the need to arrest the suspect; however, that need does not and cannot overcome the risk of harm presented to numerous other community members.

Second, NE#3's decision to approve the request by NE#1 and NE#2 to ram the suspect vehicle violated policy. As a starting point, NE#3 admittedly was not overly familiar with either officer and did not know what training and experience they possessed in this area. In addition, NE#3 approved this request without considering how the ramming would be done, the speeds at which the ramming would occur, or the presence of other vehicles or pedestrians in the area. Further, NE#3 exercised no control over the ramming once it occurred. Specifically, NE#1 rammed the suspect eight times without NE#3 instructing him to cease doing so. NE#3 stated that it was up to NE#1 to safely carry out the ramming and that it was her expectation that he would do so in a safe manner. However, OPA concludes that, once she authorized the force, she carried partial responsibility for its outcome. This decision is particularly appropriate here where NE#3 gave this authorization with incomplete information concerning the pursuit and with NE#1's ability to adeptly use this maneuver or lack thereof.

For these reasons, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #3 - Allegation #1**



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***13.030 - Emergency Vehicle Operations 2. Officers May Drive in an Emergency Response Only When the Need Outweighs the Risk***

SPD Policy 13.030-POL-2 governs emergency vehicle operations and states that officers may drive in an emergency response only when the need outweighs the risk.

While NE#3 was not equipped with BWV during this incident and though her vehicle was not equipped with ICV, other video showed her engaged in the pursuit and emergency driving. While she drove outside of normal traffic patterns, OPA saw no evidence that her driving was so egregious to warrant a determination that it was contrary with policy. Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**