



# City of Seattle

Office of Professional Accountability

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September 21, 2016

Chief Kathleen M. O'Toole  
Seattle Police Department  
PO Box 34986  
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2016OPA-0214)

Dear Chief O'Toole:

The Office of Professional Accountability (OPA) recently concluded an investigation into a complaint that Seattle Police Department (SPD) officers engaged in a pursuit of a red light violator in violation of SPD policy. While the evidence from the OPA investigation clearly demonstrated that no pursuit took place, as defined by SPD Policy §13.031(1), it did raise a concern regarding the practical application of SPD's pursuit policy, a concern which has arisen in previous OPA reviews of similar incidents.

SPD policy rightly places clear limitations on the use of pursuits. The application of sound judgment and calculated risk analysis lies at the heart of SPD's pursuit policy. The Department wisely decided the heightened risks associated with a pursuit outweigh the potential benefits in all but the most serious of situations. In particular, SPD Policy §13.031(3) prohibits officers from engaging in a pursuit for traffic violations, civil violations, misdemeanors, and property crimes (even felony property crimes). In addition, SPD policy §13.031(2) states, "Officers engaged in a pursuit shall drive with due regard for the safety of all persons, and will use both emergency lights and continuous siren."

The specific concern we noted is that officers sometimes "pursue" a vehicle without turning on their emergency lights and siren. SPD policy defines a pursuit as a situation in which "an officer, operating an authorized police vehicle with emergency lights and siren activated, proceeds in an effort to keep pace with and/or immediately apprehend an eluding driver." This means the wise restrictions placed on pursuits cannot be applied to a pursuit when the officer fails to turn on his or her lights and siren. As a result, it is possible for an officer to follow a suspect vehicle for a minor traffic violation, civil infraction or non-violent property crime in such a way that the attendant risks of a pursuit are present without the officer's actions being subject to scrutiny and potential sanction under the Department's pursuit policy. While other SPD policies address the safe operation of police vehicles, they are not as clear-cut or restrictive as the pursuit policy. In the interest of both public safety and officer safety, I am of the opinion that SPD's pursuit policy and training should be amended to make clear that "pursuing" a vehicle without activating emergency lights and siren is subject to the same rules and restrictions had the emergency equipment been activated.

Recommendation: I recommend SPD modify its Vehicle Eluding/Pursuits Policy (§13.031) so that all pursuits, including those in which an officer fails to activate his or her emergency lights and siren as required, are subject to the same prudent restrictions and regulations.

Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of the SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pierce Murphy". The signature is fluid and cursive, with a prominent initial "P" and a long, sweeping underline.

Pierce Murphy  
Director, Office of Professional Accountability